

**Case Officer:** Chris Wentworth

**Applicant:** David Wilson Homes (Southern)

**Proposal:** Erection of 123 dwellings (formerly 126) with access from Camp Road, provision of public open space and associated infrastructure.

**Ward:** Fringford and Heyfords

**Councillors:** Councillors Clarke, Simpson and Wood

**Reason for Referral:** Major Development

**Expiry Date:** 31 March 2024

**Committee Date:** 21 March 2024

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**SUMMARY RECOMMENDATION: APPROVE, SUBJECT TO CONDITIONS AND COMPLETION OF S106 LEGAL AGREEMENT.**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site, which equates to approximately 4.1 hectares in area, comprises a greenfield site situated to the south-east of the former RAF Upper Heyford airbase, beyond the southern perimeter of the RAF Upper Heyford Conservation Area and within what is defined under the development plan as Policy Villages 5, which in part, provides for additional development around the main airbase site.
- 1.2. The application site is bounded by Camp Road (aligned by a mature hedgerow) to the south, wherein there lies access to a hardsurfaced track (i.e. Letchmere Drive) which extends northward alongside the western site boundary to a group of residential buildings, collectively known at present as Letchmere Farm; to the east by a strong tree lined perimeter, wherein the land levels fall eastward to Sor Brook; and, to the west by mature landscaping, consisting of trees and hedgerows – beyond which lies a mix of former officer's housing accessed off Larsen Road.

**2. CONSTRAINTS**

- 2.1. The majority of the former airbase site, that includes the land to the west of the application site and to the north of Letchmere Farm, was designated as a Conservation Area (i.e. RAF Upper Heyford Conservation Area) in 2006. The English Heritage assessment of the former airbase site defined the '*special interest*' of RAF Upper Heyford as the structures and layout that contributed to its role as a Cold War airbase. The airbase site contains three Scheduled Monuments identified as '*Cold War Structures*' and several listed buildings, as set out within the '*RAF Upper Heyford Conservation Area Appraisal*' and other non-designated heritage assets. No buildings within or in the immediate surroundings of the application site are designated heritage assets. However, it is noted that the former officer's housing (referenced under para 1.2 of this report) are identified within the aforementioned Conservation Area appraisal as '*Non-Listed Buildings of Local Significance*'.

- 2.2. The application site lies beyond the perimeter of both the designated Ardley & Upper Heyford Conservation Target Area and the County designated wildlife site (i.e. the eastern end of the flying field to the former airbase) which is recognised as being of importance for its calcareous grassland, ground nesting birds and great crested newts. The latter are understood to have also been recorded at Letchmere Farm – to the immediate north of the application site.
- 2.3. The application site lies wholly within the Policy Villages 5 designated residential development area for Heyford Park, and has been previously granted planning permission to Pye Homes for the erection of 120 dwellings together with access from Camp Road and landscaped public open space.

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

- 3.1. This application seeks planning permission for the following for the '*Erection of 123 dwellings with access from Camp Road, provision of public open space and associated infrastructure.*'
- 3.2. It is noted that consent was originally sought for 126 dwellings, which was subsequently reduced during the assessment of the current planning application in order to provide a greater area and more usable area of landscaped public open space.
- 3.3. The proposed development comprises:
  - 30% affordable housing (37 units);
  - a mix of 1, 2, 3 and 4 bed dwellings;
  - a mix of one, two and two-and-a-half storey dwellings;
  - a new primary vehicular access running north from Camp Road;
  - secondary vehicular accesses for Plots 1-4 and Plots 120-123 from Camp Road;
  - a large central area of public open space;
  - provision of a Locally Equipped Area for Play (LEAP) and Local Area for Play (LAP) within the main open space;
  - additional landscaping and landscaped public open space; and,
  - a sustainable urban drainage system (SuDS).
- 3.3 The affordable housing mix comprises:
  - 26 no .affordable rental units (70%); and,
  - 11 no. first homes/intermediate home ownership (30%).
- 3.4 The palette of materials and means of enclosure to the 123 no. dwellings comprises the following:
  - facing materials in the form of brick and render;
  - plain profiled tiles to roof coverings to be slate grey and brown in colour;
  - double-glazed upvc casement windows, with cills and lintels to be cast stone and brick;
  - 6 pane upvc doors with use of lean-to and gabled front porches;
  - front boundaries to include a combination of hedging, shrubs and black railings;
  - rear boundaries facing the street in form of 1.8 metre red brick walls; and,
  - internal boundaries to be 1.8m close boarded fencing.

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

- 4.1 The former airbase site, following its closure to the military in 1994, has been the subject of an extensive planning history.

- 4.2 Respective grants of planning permission were issued on a temporary basis for the reuse of many of the buildings on the airbase site - superseded on appeal by permanent permissions and by subsequent applications thereafter.
- 4.3 A number of applications have since been submitted seeking permission to develop the airbase, many of which have been the subject of a formal appeal, inclusive of application reference 08/00716/OUT.
- 4.4 Following a public inquiry that commenced in September 2008 the appeal decision was received in January 2010 which allowed '*A new settlement of 1,075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure (as amended by plans and information received 26.06.08).*' This permission included the flying field and the uses and development permitted have since been largely implemented.
- 4.5 A revised masterplan was submitted as part of an outline application for the "*Proposed new settlement for 1,075 dwellings, together with associated works and facilities, including employment uses, a school, playing fields and other physical and social infrastructure*" wherein planning permission was granted on 22 December 2011 (Ref: 10/01642/OUT) - in response to which a number of reserved matters applications have since been submitted, approved and now implemented on site.
- 4.6 In November 2020, the Planning Committee considered application reference 18/00825/HYBRID wherein permission was sought for a mixed-use development, inclusive of (outline planning permission) for a further 1,175no dwellings, commercial development and a range of community amenities and facilities. The Planning Committee resolved that authority be delegated to the Assistant Director of Planning and Development, to grant permission subject to conditions and completion of a section 106 planning obligation – subsequently issued in 2022.
- 4.7 This application site has recently been the subject of two approved planning applications (References: 15/01357/F & 21/03523/OUT) by Pye Homes Ltd, comprising two separate parcels of adjoining land wherein planning permission was approved, in part, for the erection of 89no. dwellings and 31no. dwellings respectively. In January 2022 (in respect of Reference: 15/01357/F) and March 2022 (in respect of Reference: 21/03523/OUT) the Planning Committee resolved to grant delegated authority to the Assistant Director of Planning and Development to grant planning permission subject to conditions and a S106 agreement (and any amendment to them both deemed appropriate). The S.106 agreement was agreed in September 2023 and planning permissions were issued.

## 5. PRE-APPLICATION DISCUSSIONS

- 5.1 No pre-application discussions have taken place with regard to this proposal.

## 6. RESPONSE TO PUBLICITY

- 6.1 The original 126no. dwelling scheme was publicised by way of a site notice displayed near to the site expiring **24 November 2022**, by advertisement in the local newspaper expiring **10 November 2022** and by letters sent to properties adjoining the application site that the Council had been able to identify from its records with no public comments received.
- 6.2 The revised 123no. dwelling scheme has been publicised by advertisement in the local newspaper expiring **21 March 2024** and by letters sent to properties adjoining

the application site that the Council has been able to identify from its records with no public comments received at the time of the writing of the report. Any updates on this will be presented to members of the planning committee.

## **7. RESPONSE TO CONSULTATION**

7.1 Below is a summary of the consultation responses received at the time of writing this Report in relation to the 126no. dwelling scheme. Responses are available to view in full on the Council's website, via the online Planning Register.

7.2 Heyford Park Parish Council:

*'Whilst the parish council understand that this planning application is similar the plans that benefited from resolutions to grant planning permission the parish council would note the following:*

- 1. Whilst the council have some reservations regarding the reduction of green space, the council acknowledge that this has resulted in an increase in the number of affordable homes planned.*
- 2. The parish council have reservations in the impact this development will have if work commences prior to the planned road infrastructure changes are implemented at Chilgrove Drive. This would increase the level of HGV traffic on Camp Road in contravention of plans to reduce the HGV traffic on the road.*
- 3. If these plans are approved, consideration should be given to extending the 20 MPH zone to overlap the entrance to the development prior to occupation. In the event of this application getting approval Heyford Park Parish Council seek S106 funding for land to be passed to the PC for a play area/public park, and possibly a small plot of land on which we could build a PC office and meeting room. It should be noted that currently all public parks and play areas are privately owned and maintained at the expense of the bulk of residents in the village through management charges.'*

Further response dated 19<sup>th</sup> October 2023

- This is a revised application that was previously considered by the Heyford Park Parish Council in November 2022. There have been some minor adjustments, and one important change which is to remove the sewage treatment plant and pump the sewage into the main public sewer. The Dorchester Masterplan has been amended in recent years following a consultant report that recommended a cordon sanitaire prohibiting any development within 177M of the edge of the sewage treatment plant due to high odour level close to the treatment plant.
- Cherwell District Council however chose to ignore this recommendation on the adjacent Heyford Leys site and allowed development within 20 metres of the edge of the sewage treatment plant. Furthermore, the consultant's report also confirmed that the odour levels are directly proportional to the number of properties serviced by the plant. This being the case then this change would significantly increase the odour levels close to the sewage plant above and beyond the levels that recommended the cordon sanitaire.
- In view of these considerations, Heyford Park Parish Council strongly objects to this or any other development that increases the number of properties that are serviced by the main sewer until improvements have been made to reduce the impact of the odour levels by those park home residents that live close to the sewage treatment plant.
- Road access to the site is also a major concern.

### 7.3 Thames Valley Police (Infrastructure Contributions)

*'Given the scale and the significance of the proposal Thames Valley Police consider it appropriate that the developer should contribute towards the provision of infrastructure to mitigate the impact of the development.'*

### 7.4 CDC Land Drainage

*'Seek comments from the Lead Local Flood Authority. The watercourse to which it is proposed to discharge surface water at an attenuated rate is sensitive to flooding.'*

### 7.5 Local Highway Authority (OCC)

Objections raised subject to the following:

- There is an excess number of private parking spaces.
- No EV charging infrastructure is proposed.
- A footpath link to Larsen Road is required.

Should consent be granted then the following should be sought:

- S106 contributions towards public transport, highway works, cycle route, traffic regulation order, village traffic calming, M40 junction 10, road safety improvements and weight restriction scheme;
- An obligation to enter into respective S278 (site access) and S38 (highway works – on site roads) agreements;
- Planning conditions securing access and parking, turning, loading and unloading facilities; parking of bicycles; vehicular electric charging points; construction traffic management plan; residential travel plan; and, travel information pack;
- Informative regarding advance payments code and the need for consent from OCC for the new vehicular access.

Further response dated 09/11/23 following reconsultation:

- The three previous reasons for objection given in the response dated 16/10/2023 have been addressed by the submission of revised documents and an email from David Wilson Homes dated 20/10/2023. However, a further objection is raised on the following point;
  - o The absence of cycle infrastructure along the Camp Road boundary means that the site is not connected to the village centre or the wider cycle route network.

### 7.6 Education (OCC)

No objections subject to S106 contributions.

### 7.7 Infrastructure Funding (OCC)

No objections subject to S106 contributions (i.e. funding of Bicester Library).

### 7.8 Archaeology (OCC)

*'An archaeological evaluation has been undertaken on this site, to ground truth the results of a geophysical survey. The results of these investigations have been submitted with this application, and show that no archaeological remains survive on*

*this site, and therefore there are no archaeological constraints to this development.'*

#### 7.9 Minerals & Waste (OCC)

No objection.

#### 7.10 Waste Management (OCC)

No objections subject to S106 contributions (i.e. expansion and efficiency of Household Waste Recycling Centres).

#### 7.11 CDC Environmental Protection

No objections raised subject to a number of conditions being imposed, namely:

- Construction environmental management plan;
- Noise report;
- Verification report (contaminated land); and,
- Air quality impact assessment.

#### 7.12 Thames Water

No objection raised as foul and surface water will not be discharged to the public network. Approval of the Lead Local Flood Authority should be obtained in respect of the latter.

Having regard to the water network no objection is raised subject to a condition securing confirmation of any necessary network upgrades or a development and infrastructure phasing plan.

#### 7.13 CDC Building Control

No comment to make.

#### 7.14 Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board

*'This PCN area is already under pressure from nearby planning applications, and this application directly impacts on the ability of the Deddington Practice, Bicester Health Centre and Montgomery House surgeries in particular, to provide primary care services to the increasing population. Primary Care infrastructure funding is therefore requested to support local plans to surgery alterations or capital projects to support patient services.'*

#### 7.15 CDC Recreation & Leisure

No objections raised subject to S106 contributions (i.e. community centre; provision and maintenance of outdoor sports facilities; onsite indoor sport; public art; and, community development worker).

#### 7.16 CDC Housing Strategy & Development

The first response dated 30 March 2023 summarised the affordable housing mix as follows:

*'In terms of numbers, the policy requirement for 30% with the 70/30 tenure split on this scheme of 126 dwellings equates to 38 affordable dwellings with 27 rented (rounded up) and 11 LCHO/intermediate. However, as the 10% LCHO equates to 13*

*dwellings, on this scheme a policy compliant mix will be slightly different, with 25 rented and 13 LCHO/intermediate.'*

The second response dated 26 April 2023 advised as follows in respect of the affordable housing mix:

*' 1. Tenure. Affordable rent is acceptable on the rented dwellings as long as the rents are capped at Local Housing Allowance rate. This will ensure that they are genuinely affordable for tenants.*

*2. Tenure split. DWH have proposed an increased provision of affordable rent (27 as opposed to 25 we advised) and subsequent reduction in LCHO (11 as opposed to 13) below the 10% of the total number.*

*This amounts to a choice between having a) a mix that is fully compliant with local and national policy and b) additional rented provision. There is a very high level of need for rented accommodation, demonstrated by figures from the register, which would support the second option. On the other hand, there are many households who would wish to have the opportunity to purchase a home at a discount.*

*On balance, Strategic Housing's view would be to accept the increase rented provision. This provides a mix which is compliant with the tenure split required by CDC policy, albeit not fully compliant with the national policy i.e. 10% Low Cost Home Ownership across the whole development.'*

#### 7.17 CDC Arboriculture

The submitted arboriculture report identifies a low arboricultural impact within the proposal, and suitable working practices for ensuring retained trees are protected during development. Advised the submission of a landscape/replanting plan in order to secure replacement tree planting, with aim to increase tree cover within the site whilst improving tree biodiversity.

Reconsulted with replanting plan – No further comments to add to previous comments.

#### 7.18 Thames Valley Police (Crime Prevention)

Holding objection raised, albeit it is acknowledged general principles of '*Crime Prevention Through Environmental Design*' have been incorporated into design and layout. Nonetheless additional points in respect of (1) bin collection points; (2) defensible space; (3) surveillance; (4) road layout and speed control; (5) boundary treatments; (6) lighting; (7) public open space; and, (8) utility meters, should be addressed before planning permission is granted.

#### 7.19 Lead Local Flood Authority (OCC)

*'As part of a full application drawings are expected to be detailed. Provide invert and cover levels of all SuDS/drainage infrastructure. Include pipe gradients and pipe numbering which should read in line with the calculations.*

*Infiltration has been conducted mainly in the northern part of the site, infiltration should be conducted to cover the extent of the site. In areas where infiltration is feasible, infiltration techniques has not been used.*

*Provide ownership details and permission to discharge surface water at the existing ditch/watercourse.*

*Provide surface water catchment plan, demonstrating the extent of the impermeable area and stating the area. Also state the area with 10% urban creep.*

*Provide surface water flood exceedance plan, demonstrating with flood arrows and proposed levels that all surface water will be kept away from structures and within the site boundary.*

*SuDS construction details drawing to be provided.'*

Further objection response received dated 09/11/23:

- The drainage strategy drawing provided, does not show the drainage infrastructure around the private plots. The permeable paving is shown however, the incoming and outgoing drainage connections are not shown. For instance the RWP downpoints from the garages and private plots are now shown and how it connects to the surface water network.
- The watercourse mentioned is not shown on the drainage drawing, its not clear how the drainage connects to the watercourse. The drainage drawing shows a manhole on the highway as the outfall and its not clear where the surface water goes downstream of this manhole. The drainage infrastructure is shown outside the red line boundary, consent needs to be provided from the relevant party to have the drainage in their land.
- Provide the maintenance regime, clearly identifying the party that will conduct the maintenance for each SuDS features. Also provide the contact details of the private maintenance company in the report.

#### 7.20 CDC Ecology

The updated Ecological Assessment is considered to be acceptable. However, there are two outstanding matters to address, namely:

1) Great Crested Newts

Where pursuing a District Licence the certificate from Nature Space is required to be submitted with the impact map prior to determination to ensure appropriate conditions are secured accordingly;  
and,

2) Biodiversity Net Gain

A measurable net gain for biodiversity is required.

Further objection response received dated 08/11/23:

- Need to submit a Nature Space certificate to us prior to any determination with an updated risk impact map and we will need to include on any decision notice the conditions on this certificate verbatim in order to authorise the licence after determination. If the conditions are not included on the decision notice the licence cannot be issued.

#### 7.21 BBOWT (Berks, Bucks and Oxon Wildlife Trust)

Objection raised on the following grounds:

- Application does not provide evidence of a net gain in biodiversity;
- The importance of a net gain in biodiversity being in perpetuity;
- Loss of or damage to hedgerow priority habitat;

- Buffer zones and management of hedgerows in order to achieve biodiversity net gain;
- Application does not provide evidence that it will help to achieve the aims of the Conservation Target Area;
- Great Crested Newt district licence; and,
- Cumulative effect in the context of large infrastructure proposals for the area.

#### 7.22 Oxford Trust for Contemporary History

*'The development is unsustainable (ie imposing the costs of energy upgrades on all future occupiers), says nothing of the contribution being made to the heritage site (i.e. the reason that housing is being allowed in this remote location), should ensure that there is a viable bus service to both Bicester and Oxford, and the affordable housing offer is little short of fraudulent. It may be that the Council has failed to ensure adequate standards in its local plans policies and in the grant of previous permissions. However, both David Wilson Homes and Savills (inc. Savills Earth) claim to be responsible companies and it would be surprising if this development meets their own standards.'*

#### 7.23 Conservation (OCC)

It is acknowledged that the principle of development on this site has already been established through previous planning applications. The site is outside of the conservation area but does sit adjacent to it. Directly to the west there are a number of buildings identified as potential local heritage assets on Larsen Road, however, there appears to be substantial landscaping proposed to provide screening. Furthermore, Larsen Road does provide some separation. Overall due to the location of the site it is not considered that the development will result in harm to the significance of the surrounding heritage assets. Therefore, it is not considered necessary for the conservation team to comment further.

#### 7.24 Landscape Officer (CDC) - Objection

- A comprehensively written LVIA and I tend to agree with the conclusion. However, my concern is the increased house density, compared to previous proposals, at the expense of minimum area of informal public open space required under Policy BSC 11: Local Standards of Provision - Outdoor Recreation Table 7 (calculations below). Essential informal open space is required to mitigate what would otherwise be an overly developed site and provide a high value of amenity afforded by open space and trees. Roadside receptors on the Trenchard Circle route west of the application site will experience a degree of visual harm and therefore the northern site boundary must be planted with mixed native hedgerow and individual trees to provide the require visual mitigation and amenity. This structural vegetation is to be conveyed to the residents and maintained by them as a 1.8 m hedge with individual trees.
- Natural and informal Greenspace (minimum 0.857ha) - The minimum standard for POS is 2.74ha per 1,000 urban/rural dwellings and is in addition to the play area provision. Total no. 313 people (2.49 average household x 126 homes) need 0.857ha of greenspace minimum requirement  $((2.74 \times 313) / 1000)$ .
- We can see from the developer's POS Plan the total Landscape and POS is 0.852ha, but this total also includes the LAP and LEAP which reduces the amount of viable POS area because the combined LAP and LEAP (Play Activity and Landscape Buffer) is 4,000 sq m - refer to below. The area reduces to 0.452 ha  $(0.852 - 0.4)$ , but then we add on the attenuation areas 0.034 which equates to 0.486, it is still well below the 0.857ha requirement.

- I recommend a wider open space corridor along the eastern boundary: a minimum of 10m wide. Houses should front onto this area to provide surveillance. This will accommodate the swales and a path. The green link between the central play space and the green corridor is required.
- The revised POS to be measured for the total area is to be confirmed. If the number of homes are reduced to below 100, a combined LAP/ LEAP will be sufficient. If the homes are above 100, the LEAP/NEAP should be combined in a central location with a separate smaller LAP (100 sqm m activity and 300 sq m landscape buffer).
- Play Provision - 126 homes triggers a LAP, LEAP and a NEAP. It is recommended that these facilities are combined.

7.25 A reconsultation process has been undertaken in relation to the amended 123 no. dwelling scheme which is due to expire on 20<sup>th</sup> March 2024. The below responses were received at the time of the writing of the report and any further responses will be presented to members of the planning committee.

#### 7.26 Conservation (OCC)

- It is considered that the amendments to the scheme to reduce the number of units have resulted in no notable change with regards to potential impact on the significance of Heritage Assets. Therefore, there is nothing further to add to previous comments. All previous comments should be taken into account, but it is not considered necessary for the conservation team to provide further comments.

#### 7.27 CDC Land Drainage

- No further comments. The surface water drainage principles and strategy pertaining to the application remain in place.

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

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

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

#### *Cherwell Local Plan 2011 - 2031 Part 1 (CLP 2031 Part 1):*

- PSD1 - Presumption in Favour of Sustainable Development
- Policy Villages 5 - Former RAF Upper Heyford
- INF1 - Infrastructure
- SLE4 - Improved Transport and Connections
- BSC1 - District Wide Housing distribution
- BSC2 - The Effective and Efficient Use of Land – Brownfield Land and Housing Density
- BSC3 - Affordable Housing
- BSC4 - Housing Mix

- BSC7 - Meeting Education Needs
- BSC8 - Securing Health and Well Being
- BSC9 - Public Services and Utilities
- BSC10 - Open Space, Outdoor Sport and 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 and Allowable Solutions
- ESD3 - Sustainable Construction
- ESD6 - Sustainable Flood Risk Management
- ESD7 - Sustainable Drainage Systems (SuDS)
- ESD8 - Water Resources
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built Environment and Historic Environment
- ESD17 - Green Infrastructure

*Cherwell Local Plan 1996 Saved Policies (CLP 1996):*

- C23 - Retention of features contributing to character or appearance of a conservation area
- C28 - Layout, design and external appearance of new development
- C30 - Design of new residential development
- C31 - Compatibility of proposals in residential areas
- C32 - Provision of facilities for disabled people
- TR1 - Transportation funding
- ENV1 - Development likely to cause detrimental levels of pollution
- ENV12 – Development on contaminated land

*Mid Cherwell Neighbourhood Plan (MCNP):*

- Policy PD4: Protection of Views and Vistas
- Policy PD6: Control of light pollution
- Policy PC2: Health Facility
- Policy PC3: New Cemetery
- Policy PH3: Adaptable Housing
- Policy PH4: Extra-Care Housing
- Policy PH5: Parking, Garaging and Waste Storage Provision

8.3 *Other Material Planning Considerations:*

- RAF Upper Heyford Conservation Appraisal 2006
- CDC Developer Contributions Supplementary Planning Document (SPD) (February 2018)
- Cherwell Residential Design Guide Supplementary Planning Document (July 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 and Policy Framework
- Housing Provision
- Site Layout and Design Principles
- Landscape
- Heritage
- Ecology
- Residential Amenity
- Flood Risk and Drainage
- Highway Safety
- Planning Obligations

### Principle of Development and Policy Framework

#### *Policy Context*

9.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states '*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 must be made in accordance with the plan unless material considerations indicate otherwise.*' This is also reiterated within the National Planning Policy Framework (NPPF) at paragraph 12 which highlights that the starting point for decision making is the development plan.

#### *Development Plan*

9.3 Having regard to this application the Development Plan comprises the adopted CLP 2031 Part 1; the saved policies of the CLP 1996; and, the Mid Cherwell Neighbourhood Plan.

9.4 The CLP 2031 Part 1 seeks to allocate sufficient land to meet District Wide Housing needs. The overall housing strategy is to focus housing growth at the towns of Banbury and Bicester; and, to identify an approach for distributing growth across the different villages within the rural areas, including the delivery of a new settlement at the former RAF Upper Heyford to enable conservation and environmental improvements and to contribute in meeting Cherwell wide and local housing needs (i.e. Policy Villages 5 – Former RAF Upper Heyford).

9.5 Policy Villages 5 of the CLP 2031 Part 1 identifies the former military base as a strategic site in the rural area for a new settlement. The land subject of this application is identified within that allocation as part of a potential development area.

9.6 Policy Villages 5 seeks to provide '*for a settlement of approximately 1,600 dwellings (in addition to the 761 dwellings (net) already permitted) and necessary supporting infrastructure, including primary and secondary education provision and appropriate community, recreational and employment opportunities, enabling environmental improvements and the heritage interest of the site as a military base with Cold War associations to be conserved, compatible with achieving a satisfactory living environment.*'

9.7 Accordingly, the principle of development may be permissible under Policy Villages 5, which goes on to set out site specific design and place shaping principles, inclusive of matters related to heritage assets, connectivity, accessibility, layout, ecology and landscape, which are addressed below.

*National Planning Policy Framework*

9.8 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).

9.9 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.

9.10 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:

11c) *‘approving development proposals that accord with an up-to-date development plan without delay;*  
*or*

11d) *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.’*

9.11 The position under para 11d above, 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’. The position on the Council’s current housing land supply is provided below.

*Housing Land Supply Position Statement (Update) January 2024*

9.12 The former NPPF (September 2023) contained a requirement include a buffer in the assessment of the supply of specific deliverable housing sites of at least 5%. A revised National Planning Policy Framework (NPPF) was published on 20 December 2023 and no longer contains this requirement.

9.13 This changes the calculation of the five year land supply as shown in the Council’s 2023 Annual Monitoring Report (AMR) at paragraph 41. The calculation is now as follows:

<b>Table 1 Step</b>	<b>Description</b>	<b>Five Year Period 2023-2028</b>
a	Requirement (2023 – 2031) (standard method)	5,680 (710x8)
b	Annual Requirement (latest standard method)	710

c	5 year requirement (b x years)	3,550
d	Deliverable supply over next 5 years	4,121 (from 2023 AMR)
e	Total years supply over next 5 years (d/b)	5.8
f	Surplus (d-c)	571

9.14 Additionally, it is advised at paragraph 226 of the revised NPPF:

*“From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years’ worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.”*

9.15 The Council has an emerging local plan that has reached Regulation 18 stage and therefore the Council only need to demonstrate a four year housing land supply. Table 1 above demonstrates that the updated AMR 2023 position is that the district has in excess of a ‘four years’ worth of housing’ measured against a five year housing requirement.

*Recent appeal decision at Heyford*

9.16 At a recent appeal an Inspector concluded that the Council had under a 4 year supply of housing when combining the district housing land supply figure with the housing land supply for Oxford’s unmet housing need from the separate Partial Review Local Plan. That appeal was reference APP/C3105/W/23/3326761 at OS Parcel 1570 Adjoining And West Of Chilgrove Drive And Adjoining And North Of Camp Road, Heyford Park (known as the Heyford Inquiry).

9.17 The decision issued by the Inspectorate in the above Heyford Park case is a potential material consideration to applications for housing in the district.

9.18 However, the LPA is currently reviewing its position in relation to a potential legal challenge to the conclusions reached by the Inspector in that case (and the basis for the decision making) and has six weeks to consider this. The LPA has sent legal instructions to consider mounting a challenge. This is because officers have significant concerns that the Heyford Park decision does not sufficiently consider all material considerations and therefore could be unsound.

9.19 On that basis, officers consider that placing reliance on that decision and upon the housing land supply considerations and conclusions could place subsequent and dependent decisions also at risk. As such, officers consider that greater weight should be placed on the published AMR figures.

## *Conclusion*

- 9.20 Notwithstanding the above, the site of the former RAF Upper Heyford is allocated for development under Policy Villages 5 and the principle of development is therefore acceptable. Policy Villages 5 goes on to set out site specific design and place shaping principles, inclusive of matters related to heritage assets, connectivity, accessibility, layout, ecology and landscape, which are addressed below.
- 9.21 Significantly, the plans and documentation submitted in support of this application demonstrate the general conformity of this scheme with the development plan, wherein the principal elements are as follows:
- Provision of further housing in order to meet the housing target and trajectory;
  - Provision of 30% affordable housing;
  - A satisfactory mix of dwellings;
  - The scale and massing of dwellings to respond positively to their built context;
  - The environmental improvement of the locality;
  - Integration and connectivity to the surrounding development; and,
  - Retention of established hedgerows and trees.

## *Housing Provision*

- 9.22 The NPPF advises that in order to create sustainable, inclusive and mixed communities, Local Planning Authorities should plan for a mix of housing, reflect local demand and set policies for meeting affordable housing need.
- 9.23 Policy BSC3 of the CLP 2031 Part 1 requires 30% affordable housing, and the dwelling mix should be informed by Policy BSC4. All qualifying developments, as is the case in this instance, will be expected to provide 70% of the affordable housing as affordable/social rented dwellings and 30% as other forms of intermediate affordable homes.
- 9.24 MCNP Policy PH3 favours housing development which enables residents to live there throughout different phases of their life, with support given to new houses being constructed to Building Regulations Part M4; and, where possible, dwellings that are on one level should be included, to help meet an identified need for such accommodation within the District.
- 9.19 The required tenure split is 70% rented and 30% intermediate. In turn 25% of the affordable mix should be First Homes with 10% of the total (i.e. 123no. dwellings) number required to be Low-Cost Home Ownership (i.e. 13no. dwellings).
- 9.20 On this occasion the applicant has proposed an increased provision of affordable rent (26no.), to be capped at local housing allowance rate to ensure they are genuinely affordable to tenants; and, a subsequent reduction in Low-Cost Home Ownership (11no.).
- 9.21 In addition, it has been acknowledged by the applicant that (1) the affordable rental dwellings will be NDSS (Nationally Described Space Standards) compliant; and, (2) minimum of 50% of the affordable dwellings will be constructed to Building Regulations Part M4 Category 2 standards in line with the CDC Developer Contributions SPD; and, (3) one larger unit will be constructed to Building Regulations Part M4 Category 3 standards.

## *Site Layout and Design Principles*

9.22 Policy BSC 2 of the CLP 222031 Pt 1 requires the effective and efficient use of brownfield land and requires a density of 30 dwellings per ha. Saved policies applicable from the CLP 1996 include the retention of features contributing to character or appearance of a conservation area-Policy C23; development affecting the site or setting of a schedule ancient monument Policy C25; Layout, design and external appearance of new development Policy C28; and Design Control-Policy C30: 9.57. Policy Villages 5 sets out several Key site-specific design and place shaping principles including:

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

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

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

9.25 The main access point will become a main spine road, 5.5m wide, lined with trees and verges reflecting the layout of Soden and Larsen Roads. A swale runs along the eastern boundary. This leads through to a main area of open space, again, like Soden Road. Small spur roads with a reduced width give it a rigid almost grid like layout although this is softened to the eastern boundary adjacent Sor Brook where the layout is more informal reflecting its edge of rural setting. The houses here are also slightly larger and have larger plots. That is also the case around the open space although the houses here have a more formal layout. This layout is considered to reflect that of the adjacent base yet create a neighbourhood with its own sense of place and character. They have a clear block structure with private and public spaces clearly defined set within a green landscaped setting.

9.26 The layout has been amended to provide opportunities to access adjacent sites in particular to create routes through to Larsen Road for pedestrians and cyclists. Also to provide access through to the north and to the land now proposed for housing under reference 21/03523/OUT. In terms of design, the housing is two storey and very much of a scale and design reflective of the housing on the base. The architect was encouraged to study the arts and crafts style of buildings on Larsen and Soden Road. This has resulted in housing, after some modest revisions that have a simple building form, steep pitched roofs, low eaves, prominent chimneys constructed predominantly of brick and with limited features such as canopies and projecting windows. There is a mix of detached, semi-detached and terraced housing. In contrast, 2 bungalows are proposed to reflect the Airmen's bungalows in Trenchard Circle. And there is one block of 6 flats, again 2 storied, with chimneys and steep roof, and constructed in brick. All dwellings are orientated to have active frontages and to turn the street where they are on corners making sure streets have surveillance.

9.27 In terms of density, what is proposed reflects CLP 2031 Part 1 where the Council sets out its approach to housing to reflect local circumstances (para 47, NPPF). Taking the site area as a whole the density is about 30 dwellings per hectare. To reduce the density would be tantamount to being an under-development. It could have been higher than the revised submission proposes but the site includes a disproportionate amount of highway within the red line application site and it retains strong green corridors to the east and along the main access road, and a large area of open space at the heart of the site. Furthermore, special attention has to be paid to "the desirability of new development making a positive contribution to local character and distinctiveness" in historic environments (NPPF-para 131) In this case the proposed development is reflecting the character in this location, at a reasonable density and avoiding harm. It is therefore, in this case, compliant with the NPPF and the design and conservation policies of the Council and with policy BSC2.

9.28 In terms of sustainability the Design and Access Statement advises:

- "The proposed road network is an efficient option with drainage built into the proposal.
- The road network allows for bins stores which are sized to accommodate the current recycling criteria for Cherwell.
- Heyford Park has been design to include many amenities including a mix of uses reducing the need for travel. Heyford Park also contains the infrastructure required to support this residential site, a bus route just outside the site.
- The Houses are design to current standards and have the future flexibility to be upgraded to the incoming Part L requirements. The high proportion of terraced units, gridded street pattern and east-west road orientation all help build in passive energy saving measures.  
On site sewage treatment and sustainable drainage scheme reduce the environmental impact of the proposal elsewhere.

- The ecology corridor along the eastern boundary, allows for the integration of wildlife into the proposal and aligns with the wider strategy for Heyford Park.
  - Ducting will be provided within the scheme for car charging points – each resident will have the option to add an electric car charging point within their demise or to their designated parking area”.
- 9.29 The proposal has been subject to a variety of discussions regarding the design and layout of the overall scheme, with particular reference to the provision of Public Open Space (POS) which comprises of open space and play space. For the size of the scheme proposed the planning policy requirements for POS equate to a 0.2303ha of play space and 0.7085ha for open space.
- 9.30 The applicant is seeking to provide 0.4815ha of open space against the policy requirement of 0.7085ha which equates to 67.9% provision and is also seeking to provide 0.1547ha play space against the policy requirement of 0.2303ha which equates to 67.1% provision. Whilst this falls below CDC policy requirements, the applicant has designed the scheme with POS that would be of high quality and of usable design with central, overlooked play space and a perimeter pathway that runs north/south alongside the sites eastern boundary. The level of provision is also consistent with what was previously approved in the two Pye Homes schemes on the site.
- 9.31 It is noted that the level of housing proposed would result in the requirement for the provision of a LEAP and LAP on site (which can be combined in one location if required). In this case, the applicant has chosen to locate a combined LEAP/LAP centrally within the application site and has committed to providing the requisite number of play equipment pieces (13 no.) commensurate with the requirements for a combined LEAP/LAP.
- 9.32 The Officers conclude that what is proposed, on balance, conforms sufficiently to CLP 2031 Part 1 policies Villages 5, BSC2 and ESD 15, and CLP 1996 policies C28 and C30 together with relevant national policy set out within the NPPF.

### Landscape

- 9.33 Cherwell's countryside, landscape and green spaces are important natural resources. They form the setting of our towns and villages, contribute to their identity and the well-being of Cherwell's communities, and provide recreation opportunities. The countryside's intrinsic character and beauty is important to the quality of life in Cherwell and remains an economically important agricultural resource.
- 9.34 The Council has a strategic objective in the CLP Part 1: To focus development in Cherwell's sustainable locations, making efficient and effective use of land, conserving and enhancing the countryside and landscape and the setting of its towns and villages.
- 9.35 Policy ESD 13: Local Landscape Protection and Enhancement states “Opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would:
- Cause undue visual intrusion into the open countryside;
  - Cause undue harm to important natural landscape features and topography;

- Be inconsistent with local character;
- Impact on areas judged to have a high level of tranquillity;
- Harm the setting of settlements, buildings, structures or other landmark features; or
- Harm the historic value of the landscape.”

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

9.37 Policy ESD 17. Seeks to maintain and enhance the District's green infrastructure network. New landscaping areas, particularly in the case of strategic sites like RAF Upper Heyford, will be required to assimilate development into the landscape and assist in the transition between the urban edge and rural areas.

9.38 Policy Villages 5 of CLP 2031 Part 1 requires:

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

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

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

9.41 The Landscape and Visual Assessment addendum provides a comprehensive assessment of the implications of the Revised Application and responds to the policy requirements set out in Local Plan Policies ESD 13, BSC 10 and the key principles outlined in Policy Villages 5 together with saved Local Plan Policies C11, MCNP

Policies PD4, and the guidance in NPPF Core Principles. Together with the principles set out in the submitted planting scheme it is concluded that what is provided is an environmental enhancement in compliance with Policy Villages 5 and other policies listed above. Certainly, the submitted landscape assessment considers the impact to be minor, localised and will diminish over time as the planting becomes established.

### Heritage

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

9.43 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.

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

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

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

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

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

9.46 Policy Villages 5 includes some specific guidance including:

- Proposals must demonstrate that the conservation of heritage resources, and other environmental improvements will be achieved across the whole of the site identified as Policy Villages 5;
- In order to avoid development on the most historically significant and sensitive parts of the site, new development is to be focused to the south of the flying field;
- The release of greenfield land within the allocated site Policy Villages 5 will not be allowed to compromise the necessary environmental improvements and conservation of heritage interest of the wider site;
- The construction of the settlement on the former technical core and residential areas should retain buildings, structures, spaces and trees that contribute to the character and appearance of the site and integrate them into a high quality place that creates a satisfactory living environment;
- The preservation of the stark functional character and appearance of the flying field beyond the settlement area, including the retention of buildings of

national interest which contribute to the area's character (with limited, fully justified exceptions) and sufficient low key re-use of these to enable appropriate management of this area;

- The achievement of environmental improvements within the site and of views to it including the removal of buildings and structures that do not make a positive contribution to the special character or which are justified on the grounds of adverse visual impact, including in proximity to the proposed settlement, together with limited appropriate landscape mitigation, and reopening of historic routes;
- New development should reflect high quality design that responds to the established character of the distinct character areas where this would preserve or enhance the appearance of the Former RAF Upper Heyford Conservation Area;
- New development should also preserve or enhance the character and appearance of the Rousham, Lower Heyford and Upper Heyford Conservation Area, as well as the Oxford Canal Conservation Area, and their settings;
- Landscape/Visual and Heritage Impact Assessments should be undertaken as part of development proposals and inform the design principles for the site;
- The scale and massing of new buildings should respect their context. Building materials should reflect the locally distinctive colour palette and respond to the materials of the retained buildings within their character area, without this resulting in pastiche design solutions.

9.47 This application seeks approval for the next phase of development under Policy Villages 5. Its location is an undeveloped green field site outside of the former military base. It has no heritage assets upon it and its impact will be very limited on the conservation area or other assets of historic importance. Nevertheless, all schemes at Heyford must contribute towards the conservation of heritage resources and restoration across the wider site and a financial contribution will be required from the developer.

9.48 Turning to the guidance to Planning authorities 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.

9.49 The main elements of significance are the new road layout and its reinforcement by strong avenues of trees. These are maintained and reinforced by this scheme therefore, preserving and enhancing the character and appearance of the Conservation Area. It is concluded the proposal broadly complies with the policies of the development plan relating to the historic environment.

9.50 The Framework advises a balanced judgement will be required by the Planning Authority having regard to the scale of any harm or loss and the significance of heritage assets. In this case Officers have concluded that what is proposed provides an opportunity for an appropriate level of new development that overall makes a positive contribution to preserve and enhance the character of the Conservation Area and does not cause a significant level of harm to any individual heritage asset listed. Furthermore, it is also considered the main heritage tests set out in Policy Villages 5

are complied with for the reasons explained and as assessed in the submitted Landscape/ Visual impact and Heritage Impact Assessments.

### Ecology

- 9.47 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.
- 9.48 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.
- 9.49 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.
- 9.50 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.
- 9.51 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, pipelines, transport and works, and environmental controls (including discharge consents under water pollution legislation).
- 9.52 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.

- 9.53 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.
- 9.54 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.
- 9.55 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.
- 9.56 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.
- 9.57 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.
- 9.58 The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.
- 9.59 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')

- 9.60 The application is supported by a detailed protected species survey which concluded that no statutory or non-statutory nature conservation designations are present within or adjacent to the site, and none of the designations within the surrounding area are likely to be adversely affected by the proposals. The Phase 1 habitat survey has established that the site is dominated by habitats not considered to be of ecological importance, whilst the proposals have sought to retain those features identified to be of value. Where it has not been practicable to avoid loss of habitats, new habitat creation has been proposed to offset losses, in conjunction with the landscape proposals.
- 9.61 The habitats within the site may support a small number of protected species, including species protected under both national and European legislation. Accordingly, a number of mitigation measures have been proposed to minimise the risk of harm to protected species, with compensatory measures proposed, where appropriate, in order to maintain the conservation status of local populations. In conclusion, the proposals have sought to minimise impacts and subject to the implementation of appropriate avoidance, mitigation and compensation measures, it is considered unlikely that the proposals will result in significant harm to biodiversity. On the contrary, the opportunity exists to provide a number of biodiversity benefits as part of the proposals.
- 9.62 The proposed development will deliver a net loss of habitat units on site. Therefore, in order to achieve a policy required 10% gain, the applicant has stated that the development will need to provide off-site habitat creation to obtain the required units with the 10% gain. In doing so, an additional 25.14 habitat units will need to be delivered to achieve the 10% net gain. The applicant has indicated that they have provisionally agreed an offsetting scheme with Trust for Oxfordshire's Environment (TOE). The LPA raises no objection to this approach and considers that such matters can be secured through a S.106 agreement.
- 9.63 The authorities Ecologist has also assessed the proposal and has raised no objections to the works proposed subject to the provision of planning conditions to secure an appropriate great crested newt certificate prior to the completion of the S.106 process. The LPA raises no objection to this approach. It is noted that Berks, Bucks and Oxon Wildlife Trust (BBOWT) has provided a response in relation to the detail provided and raises concerns regarding the lack of evidence related to biodiversity within the submission (as outlined in para 7.21). However, the application has been accompanied by Ecological Assessments and has been assessed by the authorities Ecologist who is content with the provision of biodiversity improvements on site along with offsite provision to secure the appropriate level of biodiversity net gain in line with the current DEFRA metrics via a S.106 agreement.

#### Flood Risk and Drainage

- 9.64 Policy ESD 6: Sustainable Flood Risk Management requires the application of the sequential approach to managing flood risk in accordance with the NPPF and NPPG; policy ESD 7: Sustainable Urban Drainage requires the implementation of surface water drainage system (SUDS) to manage surface water run-off and Policy ESD 8: Water Resources seeks to protect water quality, ensure adequate water resources and promote sustainability in water usage. CLP 2031 Policy Villages 5 require provision of sustainable drainage including SuDS in accordance with Policy ESD 7: Sustainable Drainage Systems (SuDS), taking account of the Council's Strategic Flood Risk Assessment and development should be set back from watercourses.
- 9.65 The site lies within Flood Zone 1 (low risk). A Flood risk assessment and Drainage Statement has nevertheless been undertaken by the applicants. As the site is in Zone 1 redevelopment of the site for residential development is not precluded. Surface

water discharge from the site can be discharged to a new drainage system that can be suds compliant and submitted drawings show new swales alongside the main spine road. OCC, the local flood risk authority, had initial concerns but soil infiltration investigations demonstrated there should not be a problem and their objection has been withdrawn although conditions are still requested to be imposed. A separate foul drainage system is proposed. Neither the Environment Agency (EA) nor TWU have any in principle objections. The Environmental Officer and EA suggest a condition is imposed on contamination.

- 9.66 The LLFA have previously been consulted on the proposal who objected on a variety of points which the applicant has sought to address by providing further information/clarification. The LLFA, having been reconsulted, have retained their objection to the proposal on the basis that the drainage strategy does not show the drainage infrastructure around the private plots, the watercourse mentioned is not shown on the drainage drawing and it is not clear how the drainage connects to the watercourse. In addition, the LLFA also object to the lack of a maintenance regime for each SuDS feature.
- 9.67 The LPA consider that the general premise of the drainage strategy is acceptable (and the LLFA does not object on this basis). As such, it is considered that such the objections raised within the reconsultation response can be satisfactorily addressed through the imposition of planning conditions.

#### Highway Safety

- 9.68 To ensure sustainable development, Strategic Objective 13 of the CLP 2031 Part 1 seeks to reduce the dependency on the private car as a mode of travel, increase the attraction of and opportunities for travelling by public transport, cycle and on foot, and to ensure high standards of accessibility to services for people with impaired mobility.
- 9.69 Under Policy SLE 4: Improved Transport and Connections of the CLP 2031 Part 1, the Council will support the implementation of the proposals in the Movement Strategies and the Local Transport Plan to deliver key connections, to support modal shift and to support more sustainable locations for employment and housing growth. New development in the District will be required to provide financial and/or in-kind contributions to mitigate the transport impacts of development. All development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement will be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported. Transport improvements at Upper Heyford are specifically identified and supported.
- 9.70 Policy Villages 5 of the CLP 2031 Part 1 requires measures to minimise the impact of traffic generated by the development on the surrounding road network through funding and/or physical works, including to any necessary capacity improvements around Junction 10 of the M40, and to the rural road network to the west of the site and around Middleton Stoney including traffic calming and management measures; development will provide for good accessibility to public transport services and a plan for public transport provision will accompany any planning application; the settlement should be designed to encourage walking, cycling and use of public transport rather than travel by private car, with the provision of footpaths and cycleways that link to existing networks. Improved access to public transport will be required; Integration of the new community into the surrounding network of settlements by reopening historic routes and encouraging travel by means other than private car as far as possible; and Retention and enhancement of existing Public Rights of Way, and the provision of links from the development to the wider Public Rights of Way network, including the

reinstatement of the historic Portway route across the western end of the extended former main runway as a public right of way on its original alignment. Policy INF 1 requires development proposals to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.

9.71 MCNP contains objectives that seek:

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

9.72 The NPPF advises in para 110, "that where sites may be allocated for development in plans, or specific applications for development, it should be ensured that:

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

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

9.74 Previously this was the main issue that was contentious, particularly with regard to off-site measures. However, the reasons that caused the Highway Authority to object have now been overcome. The main footpath will be widened to allow for it be shared with cyclists as happens along the south side of Camp Road. There are also designated routes shown through to the base for cyclists and pedestrians. This will need the agreement of the owner of the Letchmere Farm track that separates the two sites. And an access route through to the north is proposed to allow a second phase of development.

9.75 The internal layout is now generally acceptable as is the level and distribution of car parking following revisions. Parking is reflective of the standard previously agreed in the Design Code for the developing settlement. The scheme will provide a total of 240 allocated car parking bays (excluding on plot garages) and 23 no. visitor spaces. A mix of cycle parking facilities will be delivered on site that accord local standards and designed to the likely needs of future residents.

9.76 The applicants have submitted an updated Transport Assessment and it is now considered to be at the level of detail required to give the comprehensive integrated approach required by the Local Plan. At the time the CLP went through its public examination a certain level of work had been undertaken to demonstrate the overall site could accommodate an additional 1600 dwellings and increase employment by

an additional 1500 jobs but only by increasing the provision of sustainable transport measures and by mitigating the impact of traffic on the local highway network.

- 9.77 Modelling work on traffic and transport has been undertaken by consultants retained by the lead developer at Heyford, the Dorchester Group, as part of a larger masterplan exercise. That application has been approved and subsequently the two Councils have been working with Dorchester on an agreed package of measures to mitigate the impact of traffic from Heyford Park and to improve the level of sustainable transport measures. The costs have largely been calculated and the applicant on this scheme, David Wilson Homes, has agreed in principle to make the necessary contributions proportionate towards those costs. These are set out below under Planning Obligations.
- 9.78 It is therefore considered the proposals accord with the requirements of Policies Villages 5 and SLE 4 of the CLP 2031 Part 1 as well as the relevant national policy set out within the NPPF.
- 9.79 OCC as Highway authority, in its most recent response to the 126no. dwelling scheme, objected to the proposal on the basis of a lack of cycle infrastructure along the Camp Road boundary and goes on to state that the site is not connected to the village centre or the wider cycle route network. However, the submitted site plans have indicated that a 3m wide cycle route would be provided from the sites access onto Camp Road which would head westwards and connect the site to the village centre. It is noted that the cycle route would not continue eastwards and there is no requirement for such provision to be made although OCC Highways have requested that eastwards provision is made so as to connect the site to future, unallocated and unapproved development. The LPA does not consider such provision to be necessary or reasonable to make the current proposal acceptable.

#### *Affordable Housing*

- 9.80 From 1st April 2021, all Oxfordshire authorities have needed to maintain a five-year housing land supply, in accordance with the National Planning Policy Framework (NPPF). The Council's latest Annual Monitoring Review (AMR, 2023), prepared in accordance with NPPF paragraph 73 guidance, identifies a 5.8-year land supply for 2028 across the majority of the District (excluding the areas around the north of Oxford, near Kidlington, where the Local Plan Partial Review proposes additional site allocations to meet some of Oxford's unmet housing needs.
- 9.81 The CLP 2031 Part 1 allocates the former RAF Upper Heyford as a strategic development site and away, from the District's two towns, it is the major single location for growth in Cherwell. Policy Villages 5 proposes approximately 1600 dwellings at Heyford Park of which 1175 are proposed as part of application 18/00825/HYBRID. Already approved are 296 units for Dorchester at Phase 9.
- 9.82 Policy BSC 1 of the CLP 2031 Part 1 sets out the target of 22,840 homes for the District with 5,392 in the rural area and Heyford is seen as previously developed land which gives its development higher importance. Policy BSC 2 requires housing development in Cherwell to make effective and efficient use of land and encourages the re-use of previously developed land in sustainable locations. New housing should be provided on net developable areas at a density of at least 30 dwellings per hectare unless there are justifiable planning reasons for lower density development. New residential development will be expected to provide a mix of homes under Policy BSC 4: Housing Mix to meet housing need and creating socially mixed and inclusive communities.

- 9.83 Policy BSC 3: Affordable Housing sets out the requirement for social housing in the district with an expected split between social rented and intermediate of 70/30%. The actual quantum of affordable units is set out in Policy Villages 5 of CLP 2031 Part 1 which requires approximately 1,600 homes (in addition to the 761 (net) already permitted) of which at least 30% are to be Affordable housing.
- 9.84 MCNP Policy PH3 Adaptable Housing favours development designed to enable residents to live there in different phases of their life. Support will be given to new houses being constructed to Building Regulations Part M (4) as amended). In addition, where possible, dwellings that are on one level should be included, to meet the need for such accommodation in particular for older people and those with disabilities.
- 9.85 The application proposes that 30% (26) of the total number of dwellings proposed will be affordable housing, provided in a series of clusters in compliance with Policy Villages 5. The revised planning application in November 2021 suggests that all 26 affordable homes will be rented however the DAS Addendum suggests that the tenure will be negotiated with the Local Authority. The previous Strategic Housing Officer comments on this application have indicated a tenure split of 70% Affordable Rent and 30% Shared Ownership tenure in line with Local Plan Policy BSC3. Whilst National Planning Policy Guidance has introduced a requirement from June 2021 for all qualifying sites to deliver 25% First Homes, this does not need to apply to planning applications that have significantly progressed prior to the national policy being introduced (as in the case of this application), therefore a policy compliant tenure split on this site would include 70% social or affordable rented homes and 30% intermediate tenure (e.g., shared ownership) homes. NPPF requires 10% of dwellings to be affordable home ownership.
- 9.86 The majority of rented affordable housing across the wider former RAF Upper Heyford site have been provided as Affordable Rent. Whilst our preference would be to provide social rent tenure, to ensure that Affordable Rent tenure is as affordable as possible to meet identified housing need, we would expect that the Affordable Rent is no more than 80% of local market rent or capped at Local Housing Allowance levels whichever is the lower figure. This would be secured through the S.106 Agreement.
- 9.87 The DAS Addendum of September 2021 sets out a proposed dwelling mix which is acceptable as it meets a range of housing need by providing 1, 2, 3 and 4-bedroom accommodation that meets Nationally Described Space Standards for 2, 3, 4, 5 and 7-person accommodation.
- 9.88 The varied tenure split proposed by the applicant gives rise to two distinct choices:
- 1) A fully compliant housing mix;
  - or,
  - 2) Additional rented provision.
- 9.89 As referred to within the CDC Housing Strategy and Development consultation response there are many households which would welcome the opportunity to purchase a home at a discounted rate. In contrast, there is a '*very high*' identified need for rented accommodation. On balance, it is considered that a modest adjustment in the tenure split, in favour of the increased rented provision, given the identified need within the district, is acceptable in this context.

#### *Planning Obligations*

- 9.90 Policies INF1, SLE4 and Villages 5 of the CLP 2031 Part 1 requires that development proposals demonstrate that infrastructure requirements can be met including the

provision of affordable housing, transport, education, health, social and community facilities.

- 9.91 Where a development would give rise to potential adverse on and off-site impacts, it is sometimes necessary for mitigatory infrastructure or funding to be secured through a planning obligation (S106 agreement). Obligations within a S106 agreement must meet statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended): necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
- 9.92 Where planning obligations do not meet the above statutory tests, they cannot be taken into account in reaching a decision. To do so would potentially render any decision unlawful. In short, these tests exist to ensure that local planning authorities do not seek disproportionate and/or unjustified infrastructure or financial contributions as part of deciding to grant planning permission.
- 9.93 Officers have had regard to the consultation responses, the Council's SPD for Developer Contributions (2018), and the statutory tests in considering the application and recommend that the following financial items be secured through a joint S106 legal agreement to cover in order to mitigate the impact of the proposed development.
- 9.94 The applicant accepts their application should be determined in accord with the Development Plan, unless material considerations indicate otherwise, and acknowledge the requirements of Policy Villages 5 to require delivery of infrastructure provision. Heads of terms have broadly been agreed between the applicant, the Council and County Council which are set out below:
- 9.95 In order for the proposed development to be acceptable having regard to local and national planning policy requirements, officers recommend that the following items need to be secured via planning obligations within a legal agreement (with both Cherwell District Council and Oxfordshire County Council) in order to mitigate the impact of the proposed development. The applicant has agreed to these financial obligations and to the heads of terms set out below.

#### Affordable Housing:

- 26 units to be delivered;
- Affordable mix to be agreed with CDC
- 50% of the affordable rented units must meet the Building Regulations Requirement M4(2) Category 2: Accessible and Adaptable Dwellings requirement. Additionally, 100% of the affordable housing units are to be built the government's Nationally Described Space Standard (Technical Housing Standards). The wheelchair unit should conform to M4 (2) Category 3 of building regs accessibility requirement.
- The selection of the RP who will take on the affordable units should be agreed with the Council.

#### Household Waste Recycling Centres:

- Expansion and efficiency of Household Waste Recycling Centres (HWRC)- a contribution of £11,839

#### Biodiversity enhancement:

- Provision of off-site ecological mitigation measures to an agreed specification and quantum.

Thames Valley Police:

- To provide 'policing' of increased population - £24,320

Primary Health Care:

- Support Improvement of local primary care infrastructure (OCCG) based on OCCGs adopted policy to use a calculation of 2.4 x number of dwellings x £360 for contributions to health infrastructure – £108,864.

Contributions towards community infrastructure and open space:

- Indoor Sports Provision-£121,258.42
- Outdoor Sport Provision-£254,145.78
- Community Hall Facilities-£195,348
- Public Art/Public Realm-£28,224
- Community Development Worker-£17,631.94
- Informal Open Space maintenance for 15 years at £12.65 m2
- Tree/hedgerow maintenance for 15 years-£280.04 per tree/£26.20m2 per hedge (to be measured)
- Commuted maintenance/inspection sum for 15 years combined LEAP/NEAP (Total Area 10,700m2) - £540,048.31
- Commuted maintenance/inspection sum for 15 years combined LAP/LEAP/NEAP (Total Area 11,000m2) - £676,300.12
- Commuted sum for maintenance of swales (for 15 years)- £120.32/m2/
- Library-Funding of Bicester library-financial contribution-£14,669

Education:

- Primary and nursery education serving the development- £968,750
- Primary school land contribution-£90,967
- Secondary education capacity serving the development-£447,660
- SEN capacity serving the development-£71,793

Traffic and Transport:

- Contributions towards public transport provision in the form of a bus service contribution and bus infrastructure to agreed amounts;
- Highway works to agreed policy 5 mitigation package.
- Cycle route works.
- Contributions towards off site highway works to improve highway junctions, including safety improvements contribution to A4260/B4027; Middleton Stony junction improvements; Ardley/Bucknell junction improvements; B430/minor road junction improvements; Chilgrove Drive S278 scheme; M40 Junction 10 improvements;
- Contributions towards rural traffic calming schemes, including Upper and Lower Heyford, Middleton Stoney, Ardley, Somerton, North Aston, Bucknell, Chesterton, Kirtlington and Fritwell.

CDC S106 Monitoring fee – TBC.

## **10. CONCLUSION**

- 10.1 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the Development Plan unless material considerations indicate otherwise. Government guidance within the NPPF supports

the plan-led system and advises that applications that accord with an up-to-date plan should be approved without delay. For the reasons set out in the report, officers have found that the proposals are consistent with the policies of the Development Plan including, in particular, Policy Villages 5 and the relevant policies of the Mid Cherwell Neighbourhood Plan. As such, the starting point is to approve the application.

- 10.2 It is then necessary to consider whether any material planning considerations indicate otherwise. National planning policy and guidance is one such consideration and includes a presumption in favour of sustainable development. For decision taking, this means approving proposals that accord with an up-to-date development plan without delay. In this case, and as explained through this appraisal, the relevant Policies of the Development Plan are considered to be up to date.
- 10.3 The application proposes residential development considered to accord with the policy for which the site is allocated for by Policy Villages 5. The provision of housing would contribute to the District's Housing Land Supply and this, as well as the provision of affordable housing weighs in favour of the proposal.
- 10.4 The impact of the proposal has been assessed taking into account all other material planning considerations. It is acknowledged that there will be effects caused by traffic on the surrounding highway network. However, measures can be put in place to mitigate the impact of traffic (which can be secured via the required legal agreement) meaning that a severe highway impact will not result. In addition, the proposal seeks to implement measures to ensure sustainable transport is promoted including contributions towards local public transport and infrastructure to serve it as well as good walking and cycling links both within the site and to the wider area including Bicester. On this basis, the proposal is considered to comply with Policies Villages 5, SLE4 and the NPPF.
- 10.5 Aside from these issues, Officers do not consider there are any other material considerations of significant weight, including matters raised in response to consultation/publicity, that would justify departing from the decision that should be taken against the Development Plan which allocates the former RAF Upper Heyford and additional land as a strategic development site.
- 10.6 Where the proposals depart from the development plan, there are strong material considerations which on balance outweigh the conflict. It is considered this scheme will help create a new settlement with areas of distinct character appropriate to their setting and surroundings and that reflect the policies of the Development Plan. The new community will benefit from social infrastructure being provided and a s106 agreement will ensure its provision at the appropriate time.
- 10.7 It is considered this scheme will form an area of a distinct character appropriate to its setting and surroundings and that reflects the policies of the Development Plan. The buildings are of a scale and have a variety of designs reflecting a contemporary style reflecting the arts and crafts and military style seen elsewhere that is reflective of the character of Heyford. Taken together they form an appropriate form of development. They provide a decent standard of amenity inside and outside the properties. As a result, officers have concluded that Committee should be minded to approve the application and planning permission be granted subject to conditions and the completion of a legal agreement. In coming to this conclusion officers are conscious that further negotiation needs to take place on the agreement before the permission can be issued.

## **11. RECOMMENDATION**

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

- i. CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS MAY BE DEEMED NECESSARY);**
- ii. THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE HEADS OF TERMS LISTED AT PARAGRAPH 9.95 ABOVE (AND ANY AMENDMENTS AS DEEMED NECESSARY);**
- iii. NATURESPACE LICENCE AGREEMENT.**

**IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED BY 31<sup>st</sup> MARCH 2024 AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, 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 required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policy INF1 of the adopted Cherwell Local Plan 2011-2031, CDC Planning Obligations SPD 2018 and Government guidance within the NPPF.**

**CONDITIONS:**

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

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

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

- Planning Layout – 0778-102-COL
- Location Plan – 0778-101
- Housetype Booklet – 0778-HTB-ISSUE 3
- Garages – 0778-109A
- External Detailing – 0778-106A
- Boundary Fencing – Db Sd13 006B
- Boundary Walls – Db Sd13 004D
- Arboricultural Protection Plans – 22 0728 V4 and 22 0729 V4
- Refuse Vehicle Swept Path – 22 192 002B
- Fire Tender Swept Path – 22 192 004
- Drainage Strategy – 22 192 100C and 22 192 106C

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

3. The development permitted shall not be begun until details of the following additional matters have been submitted to, and approved in writing by, the Local Planning Authority:
  - A proposed east and west scheme of access for pedestrians and cyclists to Larsen Road.

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

4. Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved together with samples of all bricks, render, paviers and slates shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

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

5. Prior to the commencement of the development hereby approved, a Landscaping Scheme shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be carried out in accordance with the approved details.

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

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

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

Framework.

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

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

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

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

9. Prior to first occupation of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

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

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

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

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

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

12. Prior to the first occupation of any of the dwellings hereby approved, all of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments.

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

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

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

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

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

15. 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.

16. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage

scheme are submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- ii) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

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.

17. No development shall take place, including any works of demolition until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:

- a) The parking of vehicles of site operatives and visitors;
- b) The routeing of HGVs to and from the site;
- c) Loading and unloading of plant and materials;
- d) Storage of plant and materials used in constructing the development;
- e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f) Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
- g) Measures to control the emission of dust and dirt during construction;
- h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
- i) Delivery, demolition and construction working hours;

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

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

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

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of 'Biodiversity Protection Zones';
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;

- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs

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

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

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

Reason: To protect the amenities of nearby residents and light sensitive ecology, in the interest of public safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996.

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

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

21. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

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

22. If a potential risk from contamination is identified as a result of the work carried out under condition 21, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to

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

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

23. If contamination is found by undertaking the work carried out under condition 22, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

24. If remedial works have been identified in condition 23, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 23. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

27. Notwithstanding any previously agreed play space details, full details of the provision, landscaping, specification of play equipment and treatment of play space(s) within the site together with a timeframe for its provision shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. Thereafter the play space shall be landscaped, laid out and completed in accordance with the approved details and retained at all times as open space/play space.

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

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

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

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

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

30. No development hereby permitted shall take place except in accordance with Part 1 of the GCN Mitigation Principles, as set out in the District Licence WML-OR94 and in addition in compliance with the following: - Works which will affect

likely newt hibernacula may only be undertaken during the active period for amphibians. - Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e. hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development). - Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

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

31. Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on [bats/newts] until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Case Officer: Chris Wentworth

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