



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

STATEMENT OF CASE ON BEHALF OF THE LOCAL PLANNING AUTHORITY

LPA References: 2104289/OUT (Appeal Reference: 23/00089/REF)

PINS Reference: APP/C3105/W/23/3326761

Date: 18 September 2023

Appeal by Richborough Estates, Lone Star Ltd, K & S Holford, A & S Dean, NP Giles & ALC Broadberry, against the decision by Cherwell District Council to refuse planning permission for '*Outline planning application for the erection of up to 230 dwellings, creation of new vehicular access from Camp Road and all associated works with all matters reserved apart from access*' on 'OS Parcel 1570, Adjoining and West of Chilgrove Drive & Adjoining and North of Camp Road, Heyford Park'.

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1.0 Background

- 1.1 This appeal relates to the decision to refuse planning permission in respect of application reference 21/04289/OUT for the '*Erection of up to 230 dwellings, creation of new vehicular access from Camp Road and all associated works with all matters reserved apart from access*' on '*OS Parcel 1570, Adjoining and West of Chilgrove Drive & Adjoining and North of Camp Road, Heyford Park*'.
- 1.2 This application was considered by Cherwell District Council (CDC) Planning Committee at a meeting held in public on 9 March 2023.
- 1.3 CDC Planning Committee resolved that application reference 21/04289/OUT be refused, contrary to Officer recommendation, as it was considered to have a detrimental impact on the open countryside character of the area beyond the planned built-up area of Heyford Park and the setting of designated heritage assets within the adjacent RAF Upper Heyford Conservation Area. The exact wording of the reasons for refusal being delegated to the Assistant Director for Planning and Development. The minutes of the CDC Planning Committee meeting are contained under Appendix 1 of this statement and an aerial image of the site context in relation to Heyford Park and its surroundings is contained at Appendix 2.
- 1.4 The refusal of planning permission was subsequently issued on 31 March 2023, wherein the reasons for refusal read as follows:
 1. The site is located on greenfield land outside the Policy Village 5 allocation, therefore within an area of open countryside separate from the built-up area of Heyford Park. As a result, the development would have a poor and incongruous relationship with the form and character of Heyford Park, by reason of the site's general openness. The site's relationship to the RAF Upper Heyford Conservation Area and the views into and out of the Conservation Area would cause harm to the setting of designated heritage assets. Such environmental harm is considered to be less than substantial, but the harm caused is not outweighed by the public social and economic benefits. In addition, the Council is able to demonstrate a 5.4-year housing land supply, and therefore the housing strategies in the Local Plan are up to date. It is considered that the development of this site would conflict with the adopted policies in the Local Plan to which substantial weight should be attached. The principle of this development is therefore unacceptable, as contrary to Policies PSD1, ESD1, ESD13, ESD15, and

Policy Villages 5 of the Cherwell Local Plan 2011-2031, Policy PD4 of the Mid Cherwell Neighbourhood Plan, Saved Policies C8, C30, C33 and H18 of the Cherwell Local Plan 1996 and Government Guidance in the National Planning Policy Framework.

2. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions or transport mitigation required as a result of the development and necessary to ensure modal shift to sustainable transport modes and make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and workers and contrary to policy INF 1 of the Cherwell Local Plan 2015, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.
- 1.5 This Statement of Case focuses upon the aforementioned reasons for refusal and does not intend to reiterate aspects of the development which the Local Planning Authority (LPA) consider to be acceptable as matters of common ground between the parties and which were set out in full in the officer report to the CDC Planning Committee, which has previously been issued to the Inspectorate as part of its Appeal Questionnaire response.

2.0 Updates Since Determination of Application

- 2.1 Since the determination of this application on 31 March 2023 there has been no update yet in respect of the CDC 5-Year Housing Land Supply position, which remains at 31 March 2022. It is anticipated that a report may be made to the CDC Executive Committee in December 2023 or January 2024 with respect to an updated position to 31 March 2023. However, at this stage and without such update, CDC relies upon the published position at 31 March 2022.
- 2.2 In February 2023 CDC approved a review of their adopted planning policies carried out under Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012. This review concluded that, due to the publication of more recent evidence on Housing Needs to support the preparation of the Cherwell Local Plan Review 2040, policies including Policy BSC1 are 'out of date'. Paragraph 74 and footnote 39 of the NPPF requires that in such circumstances the 5-Year supply of land should be calculated using the Government's standard methodology.
- 2.3 The use of the standard method has the effect of reducing the annualised requirement from 1,142 dpa to 742 dpa for the purposes of calculating the land supply and consequently CDC is able to demonstrate a 5.4-year supply.
- 2.4 It is therefore acknowledged that the proposal would assist, albeit on a small scale, in meeting overall housing requirements under Policy BSC1 (CLP 2031 Part 1) to 2031 and should be weighted accordingly in the planning balance.
- 2.5 At the CDC Executive meeting on 4 September 2023, CDC resolved to approve for publication its Reg.18 draft Cherwell Local Plan Review 2040. That new draft Plan is due to be formally published for 6 weeks of consultation on Friday 22 September 2023.
- 2.6 The Reg.18 draft Plan identifies on pages 12-13 its intended 'spatial strategy', which for Heyford Park is to: "*Ensure the implementation of the committed growth at Heyford Park to fully establish the new settlement already planned; [and] Provide for the future expansion of Heyford Park to meet future housing and infrastructure needs should highway capacity limitations be resolved.*"

2.7 At Chapter 7 of the Reg.18 draft (pages 200-209 and Core Policies 82-85), the Plan sets out a strategy for the Heyford Park Area, which seeks views on a potential new strategic development allocation of a further 1,235 dwellings on land to the south and east of existing built or planned development – Core Policy 82 (including the appeal site); together with the delivery of strategic transport enhancement within the Heyford area to mitigate the impacts of such developments – Core Policy 83; and the safeguarding of land for such strategic transport schemes – Core Policy 84; and a potential reopening of a railway station at Ardley for passenger services – Core Policy 85. The relevant details from the new draft Reg.18 Plan are contained at Appendix 3 of this statement.

3.0 Grounds of Appeal

- 3.1 The appellants Statement of Case states that: “...*The proposals accord with the Development Plan, when read as a whole*” and “...*accords with a material consideration in the form of the National Planning Policy Framework (NPPF)*” but those two statements are predicated on an assumption set out in the third statement of case that: “*CDC is unable to demonstrate a sufficient housing land supply which engages the tilted balance in decision making*”. CDC does not accept and believes to be erroneous the Appellant’s assertion that it is unable to demonstrate a sufficient housing land supply and that is based on its published 5.4-year housing land supply.
- 3.2 As referenced under para 1.3 of this statement, application reference 21/04289/OUT was refused, contrary to the Officer recommendation. The officer report to the CDC Planning Committee acknowledged at concluding paragraphs 10.3 and 10.4 that: “*10.3 Whilst the application site is not allocated for development, Heyford Park is deemed a sustainable settlement location at which to accommodate development and development of the land would relate well to surrounding development and represents a natural rounding off. Some detriment would be caused to nearby heritage assets, but the extent of harm would be less than substantial and could be mitigated. Similarly, other impacts could all be mitigated and controlled by condition. 10.4 Overall, the balance of beneficial impacts would outweigh the identified harmful impacts, therefore planning permission ought to be granted.*”
- 3.3 In reaching its decision the CDC Planning Committee considered the Officers’ report and presentation, the written updates and addresses of the public speakers. However, it was proposed and resolved by elected Members of the Planning Committee that application 21/04289/OUT be refused, contrary to the Officer recommendation, as it was considered to have a detrimental impact on the character of the area and local heritage assets. The perceived ‘*detrimental impacts*’ being highlighted within the reasons for refusal, which specify that “*the Council is able to demonstrate a 5.4-year housing land supply*” and that “*development would have a poor and incongruous relationship with the form and character of Heyford Park by reason of the site’s general openness*” and its relationship to the adjacent “*RAF Upper Heyford Conservation Area*” contrary to adopted, saved and made Development Plan policies PSD1, ESD1, ESD13, ESD15, Policy Villages 5, C8, C30, C33, H18 and PD4.

- 3.4 Having regard to the conclusions of the CDC Planning Committee and subsequent reasons for refusal, it is important to consider the context. The appeal site is considered to contribute to the open and loose-knit character of this edge of the village and surrounding open countryside. The lack of development on the site, and presently on the Policy Villages 5 land to the west, together with its verdant nature, is perceived as open and rural particularly when travelling east and west along Camp Road when entering and leaving Heyford Park or walking along Chilgrove Drive. The LPA therefore contends that the site is important land in contributing to the spacious rural atmosphere that is seen on the eastern end of the settlement.
- 3.5 With respect to the second reason for refusal, that was a technical holding objection, and it is accepted that should a satisfactory S106 Deed be forthcoming to address those matters identified in the original Committee report, then the conflict with Development Plan policy INF1 would fall away and the CDC second reason for refusal would be addressed.
- 3.6 Turning to the proposed development. The applicable policy framework places an emphasis upon delivering a high quality of design which responds appropriately to its context. To that end saved Policies C28 and C30 state, in part:
'control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development.'
In turn ESD15 of the CLP 2015 states, which is explicitly referenced in the first refusal reason, states in part:
*'New development proposals should:
Development of all scales should be designed to improve the quality and appearance of an area and the way it functions'; and,
'Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness'.*
- 3.7 In response to the above, the Council's first reason for refusal is explicit in highlighting countryside openness, the appeal site's separation from the current built-up area of Heyford Park, the site's poor and incongruous relationship with the form and character of Heyford Park and the environmental harm resulting from development on the heritage setting and views into and RAF Upper Heyford Conservation Area with its numerous designated and non-designated heritage assets.

- 3.8 In considering the above, the Cherwell Residential Design Guide (Supplementary Planning Document masterplanning and architectural design guidance Adopted on 16 July 2018) highlights Cherwell's Special Character, focusing upon, in part, scale, layout, relationship to existing settlement, building elevations and details and the impact that the detailed design of individual buildings has on the character and visual coherence of the street as a whole.
- 3.9 In respect to other Development Plan policies specifically referenced in the Council's first refusal reason, the appeal site is not allocated for development in the adopted Local Plan and would represent an extension of the settlement into open countryside where there would be resultant harm on the openness of the countryside, the rural setting of the village and important heritage assets at the neighbouring RAF Upper Heyford Conservation Area, contrary to 2015 Local Plan policies PSD1, ESD13 and Policy Villages 5, saved 1996 Local Plan policies C8 and C33 and made 2019 Mid Cherwell Neighbourhood Plan policy PD4. Specifically with respect to the resultant less than substantial harmful impact upon nearby heritage assets, the appeal proposal would also be contrary to Development Plan policy ESD15. As an isolated rural settlement, notwithstanding its allocation as a rural growth area based upon its former airbase use, Heyford Park is reliant upon significant transport improvements to make development sustainable. Without such mitigating enhancement of transport infrastructure to encourage modal shift to non-car modes, the appeal proposals would conflict with Development Plan policy ESD1.

4.0 Conclusion

- 4.1 For the reasons set out in the decision notice to planning application reference 21/04289/OUT, the minutes of the Planning Committee of 9 March 2023 and this Statement of Case, the LPA contends that the appeal proposal conflicts with the Development Plan and with Government guidance contained within the National Planning Policy Framework.

- 4.2 Accordingly, the Inspector is respectfully requested to uphold the decision made by the Local Planning Authority and dismiss this appeal.

5.0 Suggested Planning Conditions

5.1 Without prejudice to the Council's case, in the event that this appeal is allowed and planning permission is granted, then the following conditions, which were initially recommended by Officers in the Planning Committee report are suggested for inclusion in any appeal decision letter:

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

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

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

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

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

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

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

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.

5. No development shall commence until a Construction Method Statement, incorporating a construction traffic management plan has been submitted to and approved in writing by the Local Planning Authority. The CTMP will need to incorporate the following in detail and throughout development the approved plan must be adhered to:
- a) The CTMP must be appropriately titled, include the site and planning permission number.
 - b) Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
 - c) Details of and approval of any road closures needed during construction.
 - d) Details of and approval of any traffic management needed during construction.
 - e) Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
 - f) Measures to control the emission of dust and dirt during construction as detailed in paragraph 6.1.2 of the Air Quality Management Plan;
 - g) Details of appropriate signing to accord with standards/requirements, for pedestrians during construction works, including any footpath diversions.
 - h) The erection and maintenance of security hoarding / scaffolding if required.
 - i) A regime to inspect and maintain all signing, barriers etc.
 - j) Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
 - k) The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
 - l) No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will park, and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
 - m) Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
 - n) Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
 - o) Any temporary access arrangements to be agreed with and approved by Highways Depot.
 - p) Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.
 - q) Delivery, demolition and construction working hours.

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

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

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

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

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

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

- 8. No development shall take place on any phase (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:
 - a) Arrangements for a site walkover survey undertaken by a suitably qualified Ecologist to ensure that no protected species, which could be harmed by the development have moved onto the site since the previous surveys were carried out. If any protected species are found, details of mitigation measures to prevent their harm shall be required to be submitted;
 - b) Risk assessment of potentially damaging construction activities;
 - c) Identification of ‘Biodiversity Protection Zones’;
 - d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);

- e) The location and timing of sensitive works to avoid harm to biodiversity features;
- f) The times during construction when specialist ecologists need to be present on site to oversee works;
- g) Responsible persons and lines of communication;
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- i) Best practice with regard to wildlife including use of protective fences, exclusion barriers and warning signs.

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

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

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

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

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

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

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

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

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

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

13. If remedial works have been identified in condition 11, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 11. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

Reason: A Design Code, is required at the beginning of the development process to ensure that the subsequent reserved matters applications are considered and determined by the Local Planning Authority in the context of an overall approach for the site consistent with the requirements to achieve high quality design as set out in the Environmental Statement and the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

19. The Design Code shall include:

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

Reason: A Design Code, is required at the beginning of the development process to ensure that the subsequent reserved matters applications are considered and determined by the Local Planning Authority in the context of an overall approach for the site consistent with the requirements to achieve high quality design as set out in the Environmental Statement and the Adopted Cherwell Local Plan 2011-2031 and Government Advice within the National Planning Policy Framework.

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

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

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

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

22. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

- (a) As built plans in both .pdf and .shp file format;
- (b) Photographs to document each key stage of the drainage system when installed on site;
- (c) Photographs to document the completed installation of the drainage structures on site;
- (d) The name and contact details of any appointed management company information.

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

Appendix 1: Extract of Minutes of Planning Committee meeting of 9 March 2023.

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

The Committee considered application 21/04289/OUT, an outline planning application for the erection of up to 230 dwellings, creation of new vehicular access from Camp Road and all associated works with all matters reserved apart from access at OS Parcel 1570 adjoining and west of Chilgrove Drive and adjoining and north of Camp Road, Heyford Park for K & S Holford, A & S Dean, N Giles & A Broadberry.

Karen Mutton from Eversheds Solicitors on behalf of Dorchester Living, Gavin Angell from Dorchester Living and Martin Lipson on behalf of Mid-Cherwell Neighbourhood Plan (MCNP) Forum addressed the Committee in objection to the application.

Alan Divall, agent for the application addressed the Committee in support of the application.

In reaching its decision the Committee considered the officers' report, presentation, the written update, and addresses from the public speakers.

Resolved

- (1) That application 21/04289/OUT be refused, contrary to the officer's recommendation, due to land being on greenbelt land and that the land is not allocated land for development with the Local Plan and lack of agreed section 106 with the exact wording of the reason for refusal delegated to the Assistant Director for Planning and Development.
 1. The site is located on greenfield land outside the Policy Village 5 allocation, therefore within an area of open countryside separate from the built-up area of Heyford Park. As a result, the development would have a poor and incongruous relationship with the form and character of Heyford Park, by reason of the site's general openness. The site's relationship to the RAF Upper Heyford Conservation Area and the views into and out of the Conservation Area would cause harm to the setting of designated heritage assets. Such environmental harm is considered to be less than substantial, but the harm caused is not outweighed by the public social and economic benefits. In addition, the Council is able to demonstrate a 5.4-year housing land supply, and therefore the housing strategies in the Local Plan are up to date. It is considered that the development of this site would conflict with the adopted policies in the Local Plan to which substantial weight should be attached. The principle of this development is therefore unacceptable, as contrary to Policies PSD1, ESD1, ESD13, ESD15, and Policy Villages 5 of the Cherwell Local Plan 2011-2031, Policy PD4 of the Mid Cherwell Neighbourhood Plan, Saved Policies C8, C30, C33 and H18 of the Cherwell Local Plan 1996 and Government Guidance in the National Planning Policy Framework.
 2. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions or transport mitigation required as a result of the development and necessary to ensure modal shift to sustainable transport modes and make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and workers and contrary to policy INF 1 of the Cherwell Local Plan 2015, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

Appendix 2: Site and its Context



Appendix 3: Extract from Reg.18 2040 Draft Local Plan Review

Core Policy 82: Heyford Area Strategy

Our over-arching priority for this area is to secure the aligned delivery of housing and employment together with the infrastructure required to achieve sustainable development as part of a comprehensive approach.

Development in the Heyford Area should be in accordance with the Settlement Hierarchy set out in *Core Policy 35*.

Housing Delivery: 1,235 dwellings will be delivered through a new strategic site allocation:

Site	Housing Numbers 2020-2040	
South of Heyford Park	1,235	New Site Allocation

The following existing strategic site policy is retained and will not be replaced:

- Policy Villages 5: Former RAF Upper Heyford

Development will be supported on the newly allocated site after 2030 in the interests of:

- First ensuring the delivery of the approved (2022) masterplan under Saved Policy Villages 5, and
- Securing further sustainable transport infrastructure investment necessary to support the additional homes.



QUESTION 58: Do you have any comments on the potential allocation at Heyford Park?



QUESTION 59: Do you have any views on the principle of phased development at Heyford Park subject to implementation of the approved masterplan and the delivery of transport infrastructure?

Core Policy 83: Delivery of Strategic Transport Schemes within the Heyford Area

Transport infrastructure for the development of the additional 1,235 homes at Heyford Park will include:

- Extended walking/cycling provision including eastwards along Camp Road and westwards connecting to Lower Heyford station through public rights of way improvement utilising the canal towpath;
- A new spine road within the new proposed allocation to accommodate buses and to provide for active travel;
- Walking/cycling connections through the new development linking Lower Heyford Road to Camp Road via Tait Drive;
- A commuter cycle route to Bicester linking to an improved bridleway to Bicester to the east of Heyford Park;
- Mobility hubs with cycling provision and electric car charging points;
- Appropriate contributions necessary to capacity upgrades to M40 Junction 10 along with wider highway capacity improvements, and
- Upgrading of the access road to the B430 to the east of Heyford Park.

Core Policy 84: Safeguarding of Land for Strategic Transport Schemes in the Heyford Area

Land is safeguarded to support the delivery of the following identified transport schemes:

- A new spine road within the new proposed allocation to accommodate buses and to provide for active travel;
- A commuter cycle route to Bicester linking to an improved bridleway to Bicester to the east of Heyford Park;
- Capacity upgrades to M40 Junction 10 along with wider highway capacity improvements, and
- Upgrading of the access road to the B430 to the east of Heyford Park.

Development will not be permitted should it prevent the use of land for the delivery and implementation of the identified schemes (Appendix 5).



QUESTION 60: Are there any other areas of land that you think should be safeguarded for transport schemes in the Heyford area?

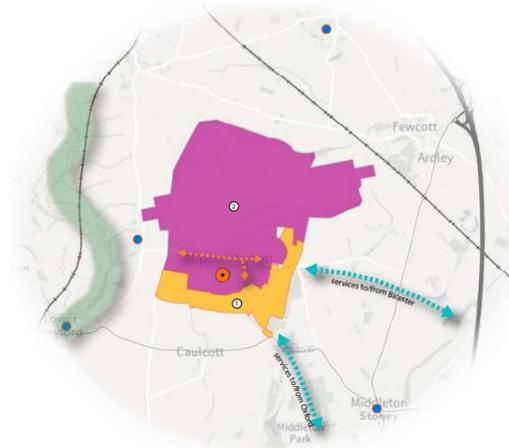
Core Policy 85: Ardley Railway Station

The reopening of Ardley Railway station for passenger services will be supported. The Council will work with Network Rail and others to ensure opportunities to deliver a new passenger railway station are brought forward during the plan period.

Land at the original Ardley station is safeguarded to support the delivery of a new station and suitable access to it.

Development will not be permitted should it prevent the use of land for the delivery and implementation of the identified scheme (Appendix 5).

Heyford Area Strategy Map



LEGEND

Local Plan 2040: preferred residential site allocation

South of Heyford Park (LPR42a)

Saved Allocations: Local Plan 2015

Former RAF Upper Heyford

Local Plan 2040: Settlement Hierarchy

Main Towns

Local Service Centre

Large Village

Small Village