

Case Officer: Lewis Knox

Recommendation: Approve

Applicant: Elgin Investments LLP

Proposal: Construction of attenuation basin including associated infrastructure and landscaping

Expiry Date: 11 February 2021

Extension of Time: 23 March 2023

1. APPLICATION SITE AND LOCALITY

- 1.1 The application site forms part of an allocated site for a new settlement in the Local Plan. The site is also within the emerging Mid-Cherwell Neighbourhood Plan area. It is within the RAF Upper Heyford Conservation Area and lies adjacent to the Rousham, Lower Heyford and Upper Heyford Conservation Area.
- 1.2 Full planning permission was granted in 2020 on a parcel of land at the west end of Camp Road for 296 dwellings and associated infrastructure. Vehicular access is from Camp Road with secondary access to Izzard Road. Pedestrian and cycle links are proposed to Kirtlington Road and the existing settlement. The development will constitute Phase 9 of Heyford Park.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The applicant seeks planning permission for the construction of a second surface water flood attenuation basin to the east of Phase 9 of the Heyford Park development, this is to forego the need for large scale conveyance pipework and complex crossing points. The water from this basin would then be fed at a controlled rate into separate drainage pipework connecting initially to the first approved attenuation basin prior to discharging into the Gallos Brook, as was originally approved.
- 2.2. The construction of this secondary basin would in turn reduce the size of the originally approved basin to the southeast.

3. RELEVANT PLANNING HISTORY

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

Application: 08/00716/OUT Non-Determination 11 January 2010

OUTLINE application for new settlement of 1075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure (as amended by plans and information received 26.06.08).

Application:
18/00825/HYBRID

Permitted

9 September 2022

A hybrid planning application consisting of:

- demolition of buildings and structures as listed in Schedule 1;
- outline planning permission for up to:
 - > 1,175 new dwellings (Class C3);
 - > 60 close care dwellings (Class C2/C3);
 - > 929m² of retail (Class A1);
 - > 670m² comprising a new medical centre (Class D1);
 - > 35,175m² of new employment buildings, (comprising up to 6,330m² Class B1a, 13,635m² B1b/c, 9,250m² Class B2, and 5,960m² B8);
 - > new primary school building on 2.33ha site (Class D1);
 - > 925 m² of community use buildings (Class D2); and 515m² of indoor sports, if provided on-site (Class D2);
 - > 30m in height observation tower with zip-wire with ancillary visitor facilities of up of 100m² (Class D1/A1/A3);
 - > 1,000m² energy facility/infrastructure (sui generis);
 - > 2,520m² additional education facilities (buildings and associated external infrastructure) at Buildings 73, 74 and 583 for education use (Class D1);
 - > creation of areas of Open Space, Sports Facilities, Public Park and other green infrastructure.
- the change of use of the following buildings and areas:
 - > Buildings 3036, 3037, 3038, 3039, 3040, 3041, and 3042 for employment use (Class B1b/c, B2, B8);
 - > Buildings 217, 3052, 3053, 3054, 3055, 3102, and 3136 for employment use (Class B8);
 - > Buildings 2010 and 3009 for filming and heritage activities (Sui Generis/Class D1);
 - > Buildings 73 and 2004 (Class D1);
 - > Buildings 391, 1368, 1443, 2005, 2006, 2007, 2008 and 2009 (Class D1/D2 with ancillary A1-A5 use);
 - > Building 340 (Class D1, D2, A3);
 - > 20.3ha of hardstanding for car processing (Sui Generis); and
 - > 76.6ha for filming activities, including 2.1 ha for filming set construction and event parking (Sui Generis);

- the continuation of use of areas, buildings and structures already benefiting from previous planning permissions, as specified in Schedule 2.
- associated infrastructure works, including surface water attenuation provision and upgrading Chilgrove Drive and the junction with Camp Road.

4. PRE-APPLICATION DISCUSSIONS

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

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **28 January 2021**, by advertisement in the local newspaper expiring **4 February 2021** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **29 April 2021**.

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

- Comments regarding existing drainage and flood issues to surrounding areas.

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

6. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. **Heyford Park Parish Council:** Raised no objections subject to agreement from OCC Flood Officer.

OTHER CONSULTEES

6.3. **CDC Land Drainage:** Raised no comments.

6.4. **CDC Building Control:** No adverse comments or observations.

6.5. **OCC Transport:** Raised no objections.

6.6. **OCC Archaeology:** Raised no objections.

6.7. **Lead Local Flood Authority:** Raised no objections.

6.8. **Environment Agency:** Raised no objections subject to supplemental details sent by the Applicant's drainage consultant on 29th November 2022 and confirmed as acceptable on 16th March 2023.

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

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

- VIL5 - Former RAF Upper Heyford
- ESD15 - The Character of the Built and Historic Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD6 - Sustainable Flood Risk Management
- ESD 1 – Mitigating and Adapting to Climate Change

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development

MID CHERWELL NEIGHBOURHOOD PLAN

- PD3 – Development adjacent to Heyford Park

- 7.3. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

8. APPRAISAL

- 8.1. The key issues for consideration in this case are:

- Design, and impact on the character of the area
- Drainage and Flood Risk
- Residential amenity
- Highway Safety

Design, and impact on the character of the area

- 8.2. The proposals seek the addition of a second attenuation pond in order to reduce the need for large conveyance pipework and complex crossing points across the site which would be needed for the originally approved drainage and attenuation scheme.
- 8.3. This in turn would have some impact on the character and appearance of the approved scheme through the reduction in the size of the original attenuation basin and subsequent enlargement of the open space surrounding this basin.

- 8.4. The newly proposed attenuation basin would decrease usable open space in its location, however it is considered that through the reduction in size of one basin and the creation of a second, the amount of open space available would be on the same level as originally approved and as such there would not be a significant impact on the character of the communal areas as a whole.

Drainage and Flood Risk

- 8.5. Several concerns were raised by interested parties regarding potential drainage issues and flood risks of the scheme and existing issues within the site and the surrounding villages.
- 8.6. Following initial consultation both the Lead Local Flood Authority (LLFA) and the Environment Agency (EA) raised objections to the proposals with concerns about potential infiltration, which was no longer feasible due to contamination issues with the site and ground aquifers.
- 8.7. The EA initially concluded that provided no infiltration drainage was being proposed; which appeared to be the case from Figure HEYF-5-152 in Appendix E; then they would not have any issues with the drainage regime from a groundwater quality perspective, as all the site drainage would be going to the outfall.
- 8.8. However, some of the comments in the initially submitted support documents relating to further infiltration testing and the inclusion of permeable pavement on some of the plans and in the SuDS maintenance regime implied infiltration might be used. It was suggested that permeable paving could be sealed with impermeable membranes which would prevent any infiltration and therefore make the scheme acceptable. Further clarification that either no infiltration drainage was proposed or that areas of proposed infiltration (e.g. permeable pavement) are contamination free.
- 8.9. The applicants sought to clarify the design of the attenuation basins and the details contained within the Flood Risk Assessment. It was confirmed that whilst the FRA noted the potential for infiltration, there was no infiltration assumed in the initial design.
- 8.10. Detailed design testing of the proposed scheme has been carried out and has been shown to be only negligible infiltration throughout the site. Following that clarification and testing of the scheme both the LLFA and EA were content with the proposals and removed their initial holding objections.

Residential Amenity

- 8.11. The proposed amendments to the attenuation basins would not result in any additional structures within the approved site and as such would not impact on the residential amenity of the area in terms of loss of light, loss of outlook or overbearing.
- 8.12. The amount of open amenity space would remain relatively consistent with what was originally approved given the reduction in scale of one basin and the addition of another. Given this the available communal amenity space would continue to be of an appropriate size and scale for a development of this type.

Highway Safety

- 8.13. There would be no impact on the local highway network as a result of the proposed development.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. The proposals would not result in a detrimental impact on drainage or flood risk within the locality and would not result in harmful infiltration. The overall character and appearance and the landscaping of locality would remain in line with the original permission and would not be materially affected by the addition of a second attenuation basin.
- 9.3. There would not be any impact on the amenity of local occupants or the safety of the local highway network. The development is considered to accord with all relevant national and local planning policies and should therefore be approved.

10. RECOMMENDATION

That permission is granted, subject to the following 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: Camp Road, Upper Heyford Phase 9 Flood Risk Assessment and Drainage Strategy Compliance Note April 2021 Version 2 and associated Appendices; Drawing Nos. P20-3151_01 Sheet No 01 Rev A, P20-3151_01 Sheet No 01 Sheet No 02 Rev A, 0521-PH9-102, CUB-RBS-DL-004, 1619-A15-01 Rev P02 and 0521/PH9/320 E.

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.

Case Officer: Lewis Knox

DATE: 22.03.2023

Checked By: Andy Bateson

DATE: 22nd March 2023
