

**Case Officer:** William Anstey

**Recommendation:** Approve

**Applicant:** Elgin Investments LLP

**Proposal:** Discharge of Condition 11 (surface water drainage scheme) of  
16/02446/F - Heyford Park Phase 9

**Expiry Date:** 15 March 2021

**Time Extension:** 23 March 2023

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## **1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT**

- 1.1. The application site forms part (Phase 9) of an allocated site for a new settlement in the 2015 Cherwell Local Plan known as Heyford Park. The site is also allocated within the emerging Mid-Cherwell Neighbourhood Plan. It is within the RAF Upper Heyford Conservation Area and lies adjacent to the Rousham Conservation Area.
- 1.2. Full planning permission was granted last year on a parcel of land at the west end of Camp Road for 296 dwellings (and associated infrastructure) of which 89 of the dwellings will be affordable (30%). 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 of which this application seeks approval for a surface water drainage management scheme.
- 1.3. Works within the Phase 9 development area have already commenced, at risk.

## **2. CONDITION PROPOSED TO BE DISCHARGED**

- 2.2. Condition 11 states: *“Except for works relating to demolition and site clearance, no development shall take place within a phase or sub-phase hereby approved until a surface water drainage scheme for that phase or sub-phase, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, 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 within the relevant phase or sub-phase is first occupied. The scheme shall include:*

- *Discharge Rates;*
- *Discharge Volumes;*
- *Maintenance and management of SUDS features;*
- *Sizing of Features – attenuation volume;*
- *Infiltration in accordance with BRE365;*
- *Detailed drainage layout with pipe numbers;*
- *SUDS;*
- *Network drainage calculations*
- *Phasing;*
- *No private drainage into the existing public highway drainage system; and*
- *No private drainage into the adoptable highway drainage system.”*

### 3. RELEVANT PLANNING HISTORY

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

07/02350/CAC Demolition of existing structures as part of lasting arrangement of Heyford Park - Allowed at appeal;

08/00716/OUT - Outline application for 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 - Allowed at appeal;

10/01642/OUT - Outline proposed new settlement of 1,075 dwellings including the retention and change of use of 267 existing military dwellings to residential use Class C3 and the change of use of other specified buildings, together with associated works and facilities, including employment uses, a school, playing fields and other physical and social infrastructure – Approved;

10/01619/CAC - Demolition of existing structures (as per Conservation Area Consent Schedule and Drawing No. D.0291 38-1) – Approved;

16/02446/F - Erection of 296 residential dwellings (Use Class C3) comprising a mix of open market and affordable housing, together with associated works including provision of new and amended vehicular and pedestrian accesses, public open space, landscaping, utilities and infrastructure, and demolition of existing built structures and site clearance works – Approved;

18/00825/HYBRID - Demolition of buildings and structures as listed; Outline planning permission for up to 1,175 new dwellings; 60 close care dwellings; 929m<sup>2</sup> of retail; 670m<sup>2</sup> comprising a new medical centre; 35,175m<sup>2</sup> of new employment buildings, (comprising up to 6,330m<sup>2</sup> Class B1a, 13,635m<sup>2</sup> B1b/c, 9,250m<sup>2</sup> Class B2, and 5,960m<sup>2</sup> B8); 2.4ha site for a new school; 925m<sup>2</sup> of community use buildings; and 515m<sup>2</sup> of indoor sports, if provided on-site; 30m in height observation tower with zip-wire with ancillary visitor facilities; energy facility/ infrastructure with a stack height of up to 24m; additional education facilities (buildings and associated external infrastructure) at Buildings 73, 74 and 583 for education use; creation of areas of Open Space, Sports Facilities, Public Park and other green infrastructure; Change of Use of buildings and areas; 20.3ha of hardstanding for car processing; and 76.6ha for filming activities; the continuation of use of areas, buildings and structures already benefiting from previous planning permissions, associated infrastructure works including surface water attenuation provision and upgrading Chilgrove Drive and the junction with Camp Road – Approved, subject to accompanying s106 agreement.

### 4. RESPONSE TO CONSULTATION

#### 4.1 The final date for comments was **28<sup>th</sup> May 2021**. The comments raised by consultees and third parties are summarised as follows:

Environment Agency (15 April 2021): Insufficient information submitted to allow discharge of Condition 11. Further investigation is necessary in relation to groundwater quality in Phase 9. Until that matter is resolved, we cannot categorically confirm that infiltration of surface water in this location would not cause risk of pollution to the surrounding environment.

Environment Agency (23 June 2021): Insufficient information submitted to allow discharge of Condition 11. The main concern from the perspective of groundwater quality is that infiltration drainage does not flow through areas of potential

contamination. Sections 2.7 and 3.2.12 appear contradictory. Provided no infiltration drainage is being proposed in Phase 9 which appears to be the case from Figure HEYF-5-152 in Appendix E of the FRA, we would not have any issues with the drainage regime from a groundwater quality perspective. However, the comments in section 2.7 imply some infiltration might be used, which is contradictory.

- 4.2 Subsequently the applicant's drainage consultant (Woods Hardwick) confirmed in September :

*"Section 2.7 is an extract of the 2016 FRA noting that infiltration may be possible subject to detailed design testing, but they at that time assumed no infiltration in their initial design calculations.*

*Section 3.2.12 relates to the detailed design testing in 2020 that Section 2.7's 2016 comment suggested should be carried out. The results of this test showed that there was negligible infiltration throughout the site (excluding the northern pond, which is outside the scope of their response)."*

Rather than contradict each other, these two comments give a timeline of design principles applied through the scheme's development.

Environment Agency (16 March 2023): Confirmed withdrawal of technical objections based on information submitted by Applicant's drainage consultant of 29<sup>th</sup> November 2022 and subject to no objection from LLFA.

- 4.3 OCC as LLFA (1 March 2021): Condition 11 not be discharged. The LLFA was under the impression that infiltration is no longer feasible due to contamination issues however, infiltration is being proposed throughout the system. There is also no detailed BRE 365 testing across the site to clarify more accurate infiltration rates if infiltration is feasible.

OCC as LLFA (5 September 2021): Following the receipt of additional detail, we have no concerns with the discharge of conditions, subject to the EA approving the contamination conditions and having no concerns with contamination in the northern pond area or infiltration from the northern pond.

- 4.4 Thames Water (1 February 2021 & 26 April 2021): Thames Water confirms the surface water condition referenced can be discharged based on the information submitted.

- 4.5 CDC Land Drainage (24 May 2021): Comments on drainage will be given by OCC as LLFA, as this relates to a 'major' application.

- 4.6 CDC Building Control (7 February 2022): No adverse comments.

## **5. APPRAISAL**

- 5.1. The original application was EIA development. Therefore, the EIA is considered sufficient for the purpose of considering the information provided for this condition and it has been taken into account in considering this subsequent application.
- 5.2. Condition 11 – This condition required a surface water drainage scheme for Phase 9, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

- 5.3. The application included the submission of a Flood Risk Assessment & Drainage Strategy Compliance Note. The initial document was insufficient in terms of the information provided. However, following the submission of further information and revisions to the document, the consultees determined that the Flood Risk Assessment and Drainage Strategy were appropriate and sufficient to comply with the condition.
- 5.4. This application is to discharge a condition requested by the Environment Agency. Their original objection has been overcome and they, and OCC as LLFA and Thames Water all now recommend that the condition can be discharged.

## **6. RECOMMENDATION**

That Planning Condition 11 (surface water drainage scheme) of 16/02446/F - Heyford Park Phase 9 be discharged based upon the following:

### Condition 11:

In accordance with Heyford Park Phase 9 – Flood Risk Assessment & Drainage Strategy Compliance Note, Version 3, prepared by Woods Hardwick, dated 20 May 2021 as supplemented by the Infiltration details submitted by Woods Hardwick to the Environment Agency on 29 November 2022 and confirmed as acceptable to the Environment Agency on 16 March 2023 and shown on Drawing Nos.101 rev D, 152, 1256 rev K, 1257 rev R, 1258 rev J, 1259 rev M, 1260 rev L, 1261 rev P, 1262 rev F and 1277 rev J.

Case Officer: Lewis Knox

DATE: 17.03.2023

Checked By: Andy Bateson

DATE: 20 March 2023

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