

Case Officer: Richard Greig

Recommendation: Discharge

Applicant: Dorchester Group

Proposal: Discharge of Clause 2.1.1 of the Thirteenth Schedule of the S106 Agreement of 18/00825/HYBRID requires that a TEMP is approved by Cherwell District Council. This Training and Employment Plan (TEMP) sets out the measures that will be implemented by Dorchester Living to encourage the training and employment of local people during the construction of the development

Expiry Date: 11 May 2023

Extension of Time: N/A

1. APPLICATION SITE AND LOCALITY

- 1.1. The former USAF/RAF Upper Heyford airbase site is located 7km northwest of Bicester, in an isolated rural location, within the parishes of Upper Heyford, Somerton and Ardley.
- 1.2. The former airbase is located at the top of a plateau and is set within otherwise open countryside. Land to the west falls sharply to the Cherwell valley and Oxford Canal (the Canal itself has been designated a Conservation Area). The Grade I listed Rousham Park is located in the valley to the southwest of the site. The Rousham, Lower Heyford and Upper Heyford Conservation Area adjoins the airbase site, whilst the airbase itself has been designated a Conservation Area in view of the international importance of the site and the significant Cold War heritage interest.
- 1.3. There are several designated Scheduled Monuments and listed buildings, and other non-designated heritage assets of national importance on the former airbase site, as well as other unlisted buildings that make a positive contribution to the character or appearance of the conservation area, and much of the airfield is also of ecological importance including a Local Wildlife Site.
- 1.4. The parent permission to which this application relates, was a hybrid submission (Ref: 18/00825/HYBRID) inclusive of 1,175 new dwellings.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. This application seeks to discharge Clause 2.1.1 of the Thirteenth Schedule to the Planning Obligation by Deed of Agreement (dated 6 April 2020) under section 106 of the Town and Country Planning Act 1990 relating to Land at Heyford Park, Camp Road, Upper Heyford, Bicester, OX25 5HD.

3. RELEVANT PLANNING HISTORY

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

Application Ref: 18/00825/HYBRID

- Hybrid Planning Application
- Approved 9 September 2022

4. PRE-APPLICATION DISCUSSIONS

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

5. RESPONSE TO PUBLICITY

5.1. The nature of this application is such that no formal publicity is required to be undertaken.

6. RESPONSE TO CONSULTATION

6.1. No consultations undertaken.

7. APPRAISAL

7.1. As referenced under section 2 of this report, this application relates to a Planning Obligation (Clause 2.1.1 of the Thirteenth Schedule) by Deed of Agreement secured under section 106 of the Town and Country Planning Act 1990 in respect to hybrid planning permission 18/00825/HYBRID.

7.2. As set out under section 106A of the Town and Country Planning Act 1990 a planning obligation may only be modified or discharged by agreement between the appropriate authority and the person or persons whom the obligation is enforceable; or, in accordance with section 106B (Appeals) of the aforementioned Act. Where an application is made to discharge an obligation, as is the case in this instance, the authority may determine:

- a) that the planning obligation shall continue to have effect without modification;
- b) if the obligation no longer serves a useful purpose, that it shall be discharged;
- or, c) the obligations continues to serve a useful purpose (but with modifications).

7.3. Clause 2.1.1 of the Thirteenth Schedule requires, not to commence the development, which in this instance comprises what is referenced as Phase 10, until a 'Training and Skills Plan', also referred to as a TEMP (Training and Employment Management Plan) has been submitted to and approved in writing by the District Council.

7.4. In response to the above a TEMP (*Training and Employment Plan (TEMP) Heyford Park on behalf of Dorchester Living Ltd 15 March 2023*) has been submitted to support this application and discharge the obligation.

7.5. The TEMP, as submitted, specifies the arrangements by which the owners will provide or secure the appropriate number (i.e., 57 construction apprenticeship starts) during the construction of the residential elements of the development, as required by Clause 2.1.1 of the Thirteenth Schedule.

8. PLANNING BALANCE AND CONCLUSION

8.1. Having regard to the above and the submission of the TEMP it is considered that the obligation (i.e., Clause 2.1.1 of the Thirteenth Schedule) no longer serves a useful purpose and should be discharged accordingly.

9. RECOMMENDATION

That Clause 2.1.1 of the Thirteenth Schedule of the Section 106 Agreement in respect of Application 18/00825/HYBRID be discharged in accordance with the submitted '*Training and Employment Plan (TEMP) Heyford Park On behalf of Dorchester Living Ltd 15 March 2023*'.

Case Officer: Richard Greig

DATE: 22/03/2023

Checked By: Andy Bateson

DATE: 22nd March 2023
