

Case Officer: Chris Wentworth

Recommendation: Approve

Applicant: Dorchester Group

Proposal: Discharge of Clause 3.1 of The Fourth Schedule of the S106 Agreement of 18/00825/HYBRID requires that a Public Amenity Area Scheme for each phase to be submitted to and approved by Cherwell District Council - Phase 10

Expiry Date: 15th March 2024

Extension of Time: 15th March 2024

1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT

- 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 (planning reference 18/00825/HYBRID) of September 2022 to which this application relates, secured outline consent, in part, for 1,175no dwellings to the Heyford Park settlement, including 138 in Phase 10.

2. OBLIGATIONS PROPOSED TO BE DISCHARGED

- 2.1. This application seeks consent for the discharge of Clause 3.1 of The Fourth Schedule of the S106 Agreement associated with planning permission reference 18/00825/HYBRID.
- 2.2. Clause 3.1 requires that a Public Amenity Area Scheme for each phase be submitted to and approved by Cherwell District Council.
- 2.3. This application relates to Phase 10 of the 18/00285/HYBRID permission only.

3. RELEVANT PLANNING HISTORY

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

- Application References 18/00825/HYBRID & 22/02255/REM
 - Hybrid planning application wherein permission was granted for, in part, 1,175 no. new dwellings – Approved September 2022; and then reserved matters granted for Phase 10 (138no. dwellings) – Approved 27 March 2023.

4. RESPONSE TO CONSULTATIONS

4.1 No consultation undertaken.

5. APPRAISAL

5.1 The S.106 associated with the planning permission requires the following (summarised):

- Submission of Public Amenity Space (PAS) Scheme and Management Scheme;
- The document to include precise location of PAS;
- The document to include timetable for works;
- PAS suitable for disabled users;
- Carry out landscaping and equipping PAS;
- Not to occupy more than 75% of phase until PAS is completed;
- Seek a practical completion certificate; and
- Upon completion, managed in accordance with approved management scheme.

5.2 The application has been submitted with a Public Amenity Area Scheme document which related to Phase 10 of the Heyford Park development. The document outlines that the Play Areas within Phase 10 of Heyford Park will be provided as per the approved plans in relation to the consented reserved matters application reference 22/02255/REM and the associated landscaping condition approved subsequently under application 22/02695/DISC. The approved plans within those applications comprise one combined LAP and LEAP. The details of the play area are listed as an approved document on the decision notice of those two applications.

5.3 The document states that play areas will be installed within the residential phases or sub phase to which they relate in line with the phasing plan (in this case Phase 10), with no more than 70% of the dwellings within a phase being occupied until the play areas within that phase have been completed. The LAP and LEAP as identified on the approved Phase 10 Landscaping Plan shall be completed before the occupation of the 97th (70%) dwelling within the phase.

5.4 The document states that the play areas across the site are designed to be inclusive for all users, containing a range of equipment which is inclusive, with each play area containing some equipment which is suitable for use by disabled users. There are a variety of play options across the site. The general design of the play areas is to follow ROSPA Equality Act guidance 1 to ensure suitable accessibility for all users, which is supported.

5.5 The document states that the play areas will be maintained following their completion, in accordance with the approved Landscape & Ecology Management Plan, (ref 22/03623/DISC), which will include regular inspections. This responsibility

will lie with the developers for the duration of the 12-month maintenance period and until the Certificate of Final Completion has been issued by the District Council and the transfer has been completed to the Management Company, who will then take over the responsibility for the long term maintenance of the play areas.

- 5.6 Furthermore, the play areas will be inspected weekly by trained operatives to ensure they are kept free from litter and debris, and equipment and safety surfacing will be checked weekly in accordance with the manufacturer's guidance to ensure it remains safe. All furniture will be regularly checked and cleaned, with bins regularly emptied. Paths will be regularly checked to ensure they maintain an even surface. Following completion and prior to the opening of a play area they will undergo a RoSPA inspection following this a RoSPA inspection will be carried out annually. The document goes on to state that more in-depth inspections will be carried out quarterly for each play area. Should any item within the play area become damaged, it will be safely fenced off for repair, if repair is not possible the item will be replaced like for like, unless an alternative is agreed with the District Council. Each play area has a sign with the Management Company contact details so that any damage can be reported by members of the public and repairs undertaken.
- 5.7 The public open space will be transferred to Heyford Park Estate Limited upon receipt of the final certificate of completion to be managed by Heyford Park Management Company Limited.
- 5.8 On this basis, the LPA consider that the submitted Public Amenity Space Scheme is compliant with and sufficient to enable discharge of Schedule 4, Clause 3.1 of the approved S.106.

6. RECOMMENDATION

That Clause 3.1.1 of the Fourth Schedule to the S.106 agreement associated with planning application reference 18/00825/HYBRID be discharged for Phase 10 only based upon the following:

Fourth Schedule, Clause 3.1 (Phase 10 Only).

- Public Amenity Area Scheme – Phase 10, Heyford Park, on behalf of Heyford Park Developments Limited, dated 5th January 2024.

Case Officer: Chris Wentworth

DATE: 14th March 2024

Checked By: Andy Bateson

DATE: 14th March 2024
