

Land East Of Larsen Road, Heyford Park

15/01357/F &
21/03523/OUT

Case Officer: Chris Wentworth

Recommendation: Approval

Applicant: Pye Homes Limited

Proposal: 15/01357/F – Erection of 89 dwellings, creation of new access arrangement from Camp Road, creation of open space, hard and soft landscaping and associated ancillary works and infrastructure; & 21/03523/OUT – Outline planning application for the erection of up to 31 dwellings, public open space, landscaping, associated parking, vehicular access and ancillary works (all matters reserved except means of access)

Expiry Date: 25/02/2022

1. Introduction

1.1. This report provides a further update on the two applications following their consideration at Planning Committee on 13th January and 10th March 2022. At Planning Committee, Members resolved to grant delegated authority to the Assistant Director to grant full and outline planning permissions subject to conditions and completion of S106 obligation agreements (or any amendments deemed appropriate). There were several changes to the conditions and contributions originally considered and agreed by Members and those were previously considered and agreed by the AD and SM in an initial Post Committee update report in March 2023.

2. Scope of Delegation

2.1 The resolution of the Planning Committee was to delegate authority to the Assistant Director (AD) for Planning and Development to grant permission subject to:

2.2 The completion of planning obligations under section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, to secure the following (and any amendments as deemed necessary) (*List below is a summary – for full details please refer to the minutes*):

- Affordable Housing;
- Apprenticeships and Skills;
- Biodiversity enhancements;
- Contributions towards: Household waste recycling, conservation of heritage interests, primary care infrastructure, indoor and outdoor sports, community hall, public art, community development worker, allotments, cemetery provision, landscape maintenance, open space, play areas, libraries, education, waste management and traffic and transport;
- Monitoring fees; and
- An obligation to enter into a S278 agreement with OCC in respect to outline application 15/01357/F.

- 2.3 In relation to the full application – 32 planning conditions and in relation to the outline application - 29 planning conditions (and any amendments to those conditions as deemed necessary) as listed in the Minutes of the two meetings.
- 2.4 For a full list of the S106 obligation requirements and the conditions, please refer to the Minutes of the meeting and the Appendices to this report.

3.0 **Post Committee Submissions /Representations**

- 3.1 There have been no comments from members of the public since the Committee meeting.
- 3.2 The following comments have been received from Consultees since the meeting:
- 3.2.1 LEAD LOCAL FLOOD AUTHORITY: LLFA unwilling to change trigger point for submission of a record of the installed SUDS and site wide drainage (full app).
- 3.2.2 CDC LANDSCAPE SERVICES: Updated financial contribution sums provided.
- 3.2.3 CDC ECOLOGIST:
- 3.2.4 *On badgers:* Agrees to omission of a Badger Mitigation Strategy condition, but still requires an updated survey prior to commencement as badgers are a mobile species. CEMP has been amended to include a badger survey.
- 3.2.5 *On BNG:* Satisfied with proposed wording for S106. Accepts submitted Biodiversity Net Gain Assessment.
- 3.2.6 CDC STRATEGIC HOUSING: Agrees that affordable housing scheme requirement in S106 (full application) is unnecessary as affordable units are to be provided in accordance with plan 2105-009-Rev B. All units to comply with NDSS and half to be to M4(2) standard plus 1 M4(3) unit. Selection of Registered Providers to be agreed with CDC. Also agrees with updated heads of terms including requirement for Affordable Housing Scheme (outline only). Notes and supports inclusion of First Homes on the outline phase.
- 3.2.7 OCC: Updated education and highways contributions received.

4.0 **Other material changes**

- 4.1 Following Planning Committee there have been changes to both the conditions and S106 contributions originally agreed by Members at the two meetings. Changes to the conditions and contributions are permissible under the resolutions and a summary of these are set out below and detailed in the appendices to this report.

Conditions:

- 4.2 The conditions have been updated in discussion with the applicant with several changes having been agreed. These are set out in detail in Appendices 1 and 3, with most relating to minor alterations to clarify or simplify the conditions. Commentary is given in the Appendices where alterations are now proposed.
- 4.3 However, changes to conditions 3 (full and outline) require further explanation. The requirement for a link to Larsen Road (full app) has been removed as it would not benefit residents of this phase, as it wouldn't save any time relative to using the proposed access road and travelling west along Camp Road. Further, the drive to Letchmere Farm is not under the control of the applicant and it has not been possible

to secure agreement to cross the drive. Also, removal of the requirement to demonstrate a 19% reduction in carbon emissions above Part G of the Building Regulations (full and outline apps) has been agreed as changes to the Building Regulations in June 2022 require a 31% reduction in carbon emissions and therefore the 19% reduction requirement is now superfluous.

Contributions:

- 4.4 Several changes have been made to the contributions to be sought through the S106. These are explained in detail in Appendices 2 & 4. Officers are of the view that that changes are reasonable and justified for the reasons set out in the appendices. Where necessary, the changes have been made in consultation with the Chairman of the Planning Committee.
- 4.5 The two completed S106's have now been signed by the Applicant, mortgagees and all landowners and passed back to OCC as local transport, education and waste authority. OCC have also signed both S106's and returned the documents to CDC for engrossment and sealing.

5.0 Summary

- 5.1 In respect of the planning conditions, since the resolution to grant permission was made by Planning Committee the conditions have been scrutinised and refined in consultation with the applicant. Officers are of the opinion that the changes ensure the conditions are robust and effective. The changes are not considered to alter the acceptability of the scheme.
- 5.2 In respect of the contributions more significant changes have been made. However, these are considered necessary to ensure the contributions meet the requirements of CIL Regulation 122. Further, the figures for several contributions were unknown at the time the applications were heard at Planning Committee and have been subsequently updated following advice from consultees. Officers consider that the changes to the contributions are sufficiently justified as set out in Appendices 2 & 4.
- 5.3 All of the suggested conditions of approval (as modified) have been agreed with relevant consultees and the Applicant and all of the suggested S106 obligations, including all financial contributions (as modified) have been agreed with relevant consultees and Applicant. The Applicant has now signed and returned the completed S106's and the two S106's have also been signed by OCC and are about to be engrossed and sealed by CDC Legal.
- 5.4 Based on the above, it is recommended that full and outline planning permissions are granted for the developments subject to the conditions listed in Appendices 1 & 3 and the contributions set out in Appendices 2 & 4.

Case Officer: Chris Wentworth

DATE: 12 September 2023

Checked By: Andy Bateson

DATE: 12th September 2023

Agreed By: Paul Seckington

DATE: 13th September 2023
