

**Heyford Park  
Camp Road  
Upper Heyford  
Bicester  
OX25 5HD**

**17/00610/REM**

**Case Officer:** Andrew Lewis

**Recommendation:** Approve

**Applicant:** Heyford Park Estates Limited

**Proposal:** Reserved Matters to Approval 10/01642/OUT - Access for Camp Road Village Centre Highway Infrastructure Works. The original outline application was accompanied by an Environmental Statement.

**Report type:** Delegated

## **1. APPLICATION SITE, LOCALITY AND BACKGROUND**

- 1.1. The application site for this proposal is part of Camp Road at the heart of the former RAF/USAF Upper Heyford base and central to the new proposed settlement.
- 1.2. The base was designated a conservation area in 2006, its primary architectural and social historic interest being its role during the Cold War. The nature of the site is defined by the historic landscape character of the distinct zones within the base. The designation also acknowledges the special architectural interest, and as a conservation area, the character of which it is desirable to preserve or enhance and provides the context and framework to ensure the setting and appearance of sections of the Cold War landscape are preserved.
- 1.3. Although Camp Road is a relatively old highway, its linearity makes it a feature characteristic of a military road. It has some significance as dividing line between the former settlement area to the south and the secure flying field and technical area to the north as defined within the Conservation appraisal.
- 1.4. In terms of the uses on site, the military use ceased in 1994. Since 1998 the site has accommodated a number of uses in existing buildings, first under temporary planning permissions latterly under a permanent permission granted on appeal and subsequent applications.
- 1.5. Over the last 10 years numerous applications have been made seeking permission to either develop the whole site or large parts of it and numerous of them have gone to appeal. The most significant was application ref 08/00716/OUT. Following a major public inquiry that commenced in September 2008 the Council received the appeal decision in January 2010 that allowed "A 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)." This permission included the flying field and the uses and development permitted upon it at the appeal have been implemented under the appeal permission.
- 1.6. The development of the settlement and technical areas was delayed as the masterplan was refined. As a result, a new masterplan was drawn up which, whilst

similar to the one considered at appeal, has been modified. The main reason for a fresh application arose from the desire of the applicant to retain more buildings on site. Apart from that, the most significant changes are this new area of open space centred on the parade ground, the retention of a large number of dwellings including 253 bungalows, and more of the heritage buildings, the demolition of which was previously consented. The retention of these buildings at their existing low density has meant the masterplan has expanded the development area west on to the sports field.

- 1.7. The revised masterplan was submitted as part of the outline application for “Proposed new settlement for 1075 dwellings, together with associated works and facilities, including employment uses, a school, playing fields and other physical and social infrastructure” and was granted permission on 22<sup>nd</sup> December 2011 (ref 10/01642/OUT). The planning permission included a number of plans with which compliance was required including a masterplan, together with other parameter plans showing layouts including one for Access.
- 1.8. In addition a design code was approved in October 2013 in order to comply with Condition 8 of planning permission 10/010642/F. This was required “to ensure that the subsequent reserved matters applications are considered and determined by the Local Planning Authority in the context of an overall approach for the site consistent with the requirement to achieve a high quality design as set out in the Environmental Statement, the Revised Comprehensive Planning Brief for the site, and Policies UH4 of the Non Statutory Cherwell Local Plan, H2 of the Oxfordshire Structure Plan 2016 and comply with Policies CC6, CC7 and H5 of the South East Plan 2009.” Section 3 of the Design Code set out “Street Movement and Network Codes.” A hierarchy of streets and spaces are proposed of which Camp Road is the only primary street. (See diagram below).
- 1.9. Para 3.4 of the Code advises that: “It should be noted that the improvement of Camp Road, the primary street, will form part of the advance infrastructure works that will facilitate future reserved matters applications and to be delivered in a phased manner to be agreed. The treatment of the existing streets may be subject to some variation at a more detailed design stage, but the general hierarchy should be observed.”
- 1.10. The Code goes on: “

“It is proposed to improve Camp Road to provide a route for pedestrians and cyclists as well as cars. The introduction of traffic calming features will bring traffic speeds down giving confidence to pedestrians. Camp Road will also become a shared surface space where it passes through to the Village Centre.

A number of traffic calming events will be introduced along Camp Road with priority varying from east to west. These features require non-priority traffic to slow or stop and the visual narrowing of the road to the priority traffic also forces drivers to slow. These build outs also provide narrow, enhanced crossing points for pedestrians. There is also parking off Camp Road in the Village Centre complimenting traffic calming measures.

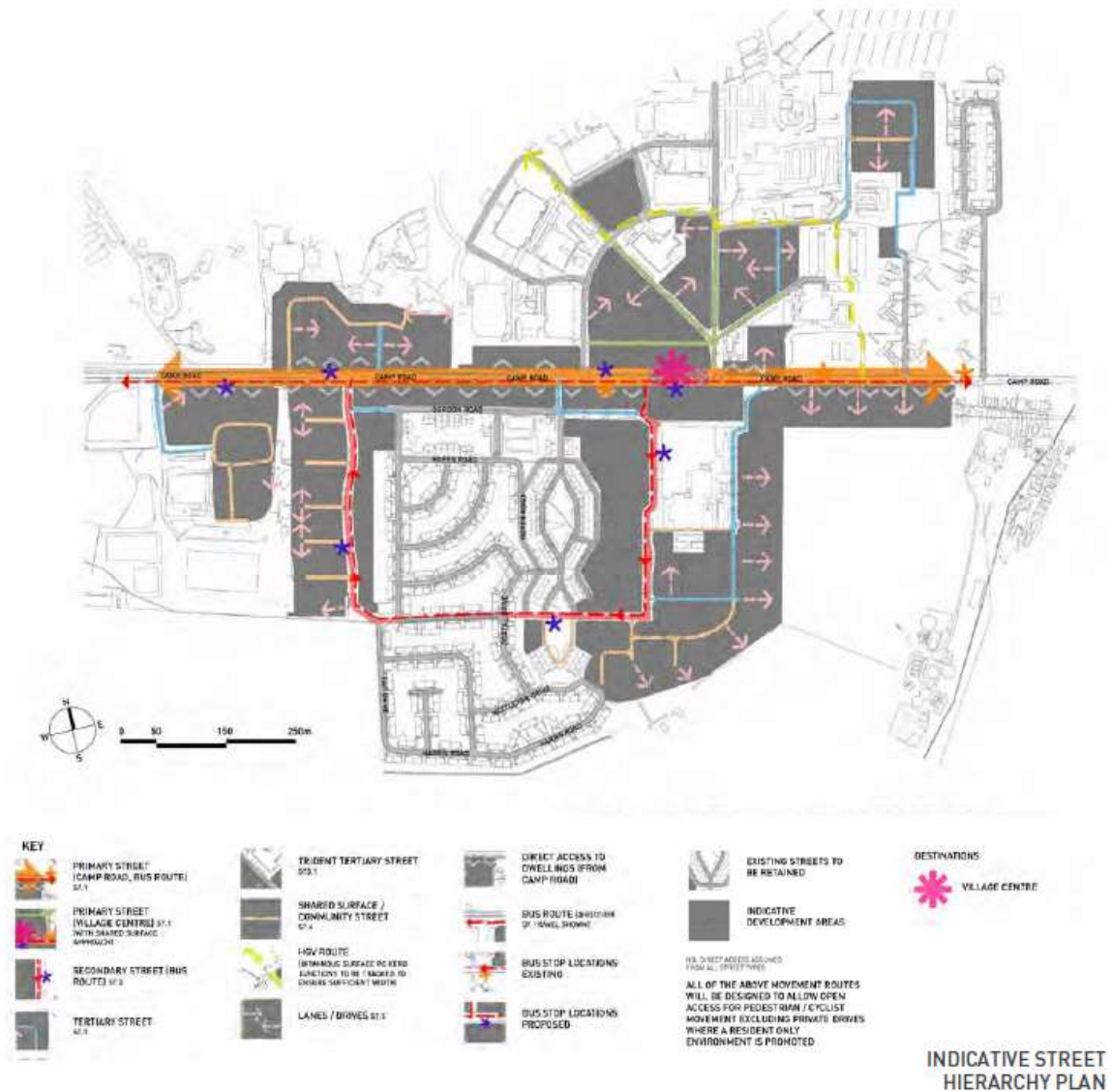
Raised tables will be introduced at junctions of side roads with Camp Road. These features will be constructed from block paving with kerb upstands reduced from 125mm to 25mm. Drivers are forced to slow due to the ramps up to the raised table, buses will also be considered in the design of the raised tables. The contrast in surfacing and reduced kerb upstands creates further changes in driver perception further slowing traffic.

The Camp Road Village Centre shared surface area may occasionally be diverted to the north of the Heritage Centre when community events take place near the Village Centre. Some additional parking will also be provided around the Heritage Centre.

Camp Road in the vicinity of the Village Centre will therefore be a clearly identifiable space promoting attractive north/south connections and a clear 'heart' to the development.

Elsewhere, Camp Road will generally comprise largely of a 2m footway to the north and a 3m shared footway/cycleway to the south separated from the highway by a verge incorporating SUDs and tree planting predominantly in a 3m wide area replicating the typical verge width seen on the site at present. Some parcels will have direct plot access off Camp Road.

Camp Road will be populated by trees both new and existing to maintain the verdant character to the existing Camp Road. Street lighting will be designed in conjunction with the trees to ensure safe and acceptable levels of lighting throughout the development, further details to be provided at S278 and RMA stage.”



- 1.12. Since approval of that application the development of Heyford has been progressed in a number of ways that relate to this application. Most significantly by the approval of application reference 16/01000/F for “Development of the Village Centre (south) comprising a Hotel and associated facilities (involving the partial demolition and the refurbishment and extension of Building 455 and its change of use); Bar/Brasserie (involving the partial demolition and refurbishment and extension of Building 457) and a Covered Market (canopy link between Buildings 455 and 457) with associated landscaping and car parking.” There is also a current application reference 17/00895/F which proposes “Development of the Village Centre (north) comprising demolition of Buildings 101 and 102; partial demolition of Building 100 and change of use to offices (98sqm); erection of 2 No four storey buildings north of Camp Road, with bridge link at first and second floor and one four storey building south of Camp Road to provide an A1 Use Class Convenience Store (511.3sqm), 11 x A1 Use Class retail units (1,186sqm) and 66 residential units (28 x 1 bed and 38 x 2 bed); formation of vehicle parking areas; provision of associated infrastructure and landscaping works”. The status of this application is that it is currently in abeyance following negotiations with the applicant seeking modifications and to scale the development down.
- 1.13. In conclusion, the new settlement is taking shape and the land around the application site has been cleared of buildings and has the appearance of a development site.

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. The road is designed to provide the main access through the new settlement centre. It conforms to the specification for a primary street in the approved Heyford Design Code meaning it is designed to provide a bus route to serve the resident population and access for commercial vehicles. It has a 6.5m carriageway at its widest point with footways 1.8m wide either side of the road. There will be integral traffic calming including narrowing of the carriageway and ramping tables at junctions. Contrasting materials are used as part of the traffic calming scheme. The main carriageway is bitumen as is that part that runs through the square albeit in a different shade of grey, with pavements at the raised table to the western junction.

## **3. RELEVANT PLANNING HISTORY**

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

App Ref	Description	Status
08/00716/OUT	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).	Permitted on appeal
10/01642/OUT	Outline - Proposed new settlement of 1075 dwellings including the retention and change of use of 267 existing military dwellings to residential use Class C3 and	PER

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

16/01000/OUT	Development of the Village Centre (south) comprising a Hotel and associated facilities (involving the partial demolition and the refurbishment and extension of Building 455 and its change of use); Bar/Brasserie (involving the partial demolition and refurbishment and extension of Building 457) and a Covered Market (canopy link between Buildings 455 and 457) with associated landscaping and car parking	Per
17/00895/F	Development of the Village Centre (north) comprising demolition of Buildings 101 and 102; partial demolition of Building 100 and change of use to offices (98sqm); erection of 2 No four storey buildings north of Camp Road, with bridge link at first and second floor and one four storey building south of Camp Road to provide an A1 Use Class Convenience Store (511.3sqm), 11 x A1 Use Class retail units (1,186sqm) and 66 residential units (28 x 1 bed and 38 x 2 bed); formation of vehicle parking areas; provision of associated infrastructure and landscaping works	Pending consideration

#### 4. RESPONSE TO PUBLICITY

- 4.1 This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 15.06.2017, although comments received after this date and before finalising this report have also been taken into account.

Daniel Scharf, Abingdon-has written a single letter in response to a number of current applications at Heyford. The main points are:

- The determination of all these applications (and any others yet to be determined; 16/2296/H, 16/02348/F and 15/1209/REM?) depends, in the first instance, as to whether the proposals accord with the development plan. In this case the principal

policy for the purposes of applying s38(6) is policy V5 in the adopted Cherwell Local Plan.

- The Head of Development Management says (email 20 January 2017), “In terms of the Lasting Arrangement, Policy Villages 5 of the adopted Local Plan is now the starting point for the considering of future development proposals. Policy Village 5 identifies that the redevelopment of the site forms a comprehensive integrated approach to development. The Council will need to be satisfied that future development proposals comply with Policy Villages 5. Clearly, this is a matter you may also wish to raise as part of your future representations.”. Clearly a master plan, development brief or development framework is required to secure a comprehensive integrated approach.
- Deciding applications in accordance with this requirement of policy V5 is being made impossible while the Council remains intent on taking a piecemeal approach to the development of the site. Although the legislation allows for ‘other material considerations’ to override development plan policy, there is a clear intention within both law and policy to operate a ‘plan led system’. The concern of the Secretary of State about the lack of adopted development plans across the country would not sit very comfortably with the officers’ assessment that adopted policies can be so easily overridden and without proper or any explanation. In the case of Upper Heyford the Council has consistently sought to control development through comprehensive planning briefs and latterly, the development framework, the withdrawal of which occurred with no explanation. Indeed a master plan was referred to in recent correspondence (and by an agent for a current application 15/01357/F). No explanation has ever been provided either to us or to the Council committee(s) as to why policy V5 and the requirement that, “a comprehensive integrated approach will be expected.” should not continue to apply.
- The reference (Mr Lewis email of 1 March 2017) to the Council taking the comments of Historic England and Design and Conservation’ into account rings hollow despite policy V5 stating that the views of “...Historic England will be required in formulating specific development proposals for the site.” Having seen minutes of meetings including Historic England and the Council’s conservation officers it is clear that their views are being ignored. The Council approved the heritage centre on the officers’ recommendation without the taking of expert advice as recommended by Historic England who have also confirmed that a holistic approach should be taken in the light of the international significance of the site. Whatever the officers might think about the appropriateness of World Heritage Site status, there are 3 international conventions and a Culture White Paper which should be applied to the development proposals being made on this site.
- Unpacking policy V5 it can be seen that there are any number of references and requirements which individually and/or together clearly explain the reasons why a ‘comprehensive integrated approach’ is necessary, and why proposals considered in the absence of a comprehensive plan could not reasonably comply with this development plan policy.
- In summary, a comprehensive integrated approach is absolutely necessary in light of the need to coordinate the following matters:-
  - Coordinating development of land in different ownerships,
  - reviewing housing densities and locations in the light of the increased allocations,
  - complying with international conventions regarding heritage and culture,
  - enabling a holistic approach to the preservation or enhancement of the character or appearance of the conservation area,
  - managing the implications for tourism on the site and in the area,
  - assessing employment potential, to which heritage and tourism could make a significant contribution,

- assessing the location of commercial uses, including warehousing and car storage,
- addressing the interface of the heritage site with adjoining uses/development in terms of both buildings and movement,
- assessing transport and travel to and around the whole site,
- managing public access across the site (ie including QRA and Northern Bomb Stores), fencing and the restoration of public rights of way,
- protection of biodiversity across the site,
- securing financial contributions to enable the conservation of the Cold War heritage.

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

## 5. RESPONSE TO CONSULTATION

- 5.1. 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

- 5.2. Upper Heyford Parish Council: no objection to this application.

### STATUTORY CONSULTEES

- 5.3. Historic England: we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals.
- 5.4. Oxfordshire CC-Transport (on amended plans) No objection. All previous shortcomings identified by the County have now been satisfactorily addressed.

The shortcomings set out in the County's response of 2nd May 2017 have been satisfactorily addressed as presented in the revised drawings and the Pegasus letter of 1st June 2017. One residual issue remains, as set out below. The siting of the bus stops on either side of the proposed zebra crossing, although not against regulations, is still a concern. This applies especially to the bus stop on the west side on the approach to the crossing. This should be examined at the road safety audit stage.

There will need to be a consultation for the Traffic Regulation Order (TRO), with associated fees as follows.

- Loading bay – £2600;
- Raised traffic calming tables – £800;
- Zebra crossing – £800.

If a 20mph speed limit is proposed then this would need a further TRO with an associated fee of £2600

- 5.5. Environment Agency: Due to increased workload prioritisation we are unable to provide comments on this application.

We are not a Statutory Consultee for reserved matters applications.

We would hope that as long as the proposed details comply with the planning conditions we requested on the outline planning permission, together with any advice provided in our consultation response, that the submitted details would be sufficient for you to determine the application.

## NON-STATUTORY CONSULTEES

### 5.5. CDC-Conservation:

The uniqueness of former RAF Upper Heyford as a site of international historic and military significance in my view is continuing to be eroded by a somewhat pedestrian 'catch-all' urban scheme that is reminiscent of the many generic centres that exist throughout the country.

Policy Villages 5: Former RAF Upper Heyford requires '... the heritage interest of the site as a military base with Cold War associations to be conserved ...'

Camp Road is a military road. Military roads by their very nature tend to be straight. Whilst I understand that straight routes encourage drivers to drive faster, traffic calming via route deflection will result in erosion of the character, appearance and significance of the conservation area.

Materials, signage and road markings should be in character with the historic significance of the conservation area whilst in the case of signage and markings fulfilling the safety requirements of the new settlement.

### 5.6. CDC-Landscape Architect (on original submission):

On the drawing, Land to be dictated as Highway, how does this influence the future ownership of proposed highway trees?

In accordance with Eden /Corde's masterplan (12.08.17) the highway trees are proposed but seem to be on the centre of the highway boundary. I would expect the highway boundary be revised to include these trees, specifically south of block A and B, and tree group immediately east of building 100, and any trees within the Village Square. This is to ensure that future ownership and tree maintenance is very clear.

Also important is that the location of tree pits is to be clarified within the overall Woods Hardwick layout, because the tree pit attenuation system should be included in drainage design, and also that the 15 m<sup>3</sup> trees pits/trenches are not constrained in any way by utilities.

To this end there has to be collaboration between Woods Hardwick and Eden in respect of, not only trees, but the appropriate use of (and aesthetics of) surface materials for north and south phases of the Village Centre

### 5.7. CDC-Design Consultant-

Surfacing materials and kerbs do not appear to sufficiently reflect the qualities desirable for the centre of this development. Surface finishes should be reconsidered and materials samples submitted.

## **6. RELEVANT PLANNING POLICY AND GUIDANCE**

- 6.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.



- 6.2 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)

ESD15 - The Character of the Built and Historic Environment  
VIL5 - Former RAF Upper Heyford  
ESD13 - Local Landscape Protection and Enhancement  
ESD15 - The Character of the Built Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

C28 - Layout, design and external appearance of new development  
C23 - Retention of features contributing to character or appearance of a conservation area  
C30 - Design of new residential development

Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- RAF Upper Heyford Conservation Appraisal 2006 (UHCA)
- In addition a design code was approved in October 2013 in order to comply with Condition 8 of planning permission 10/010642/F. This was required to “to ensure that the subsequent reserved matters applications are considered and determined by the Local Planning Authority in the context of an overall approach for the site consistent with the requirement to achieve a high quality design as set out in the Environmental Statement, the Revised Comprehensive Planning Brief for the site, and Policies UH4 of the Non Statutory Cherwell Local Plan, H2 of the Oxfordshire Structure Plan 2016 and comply with Policies CC6, CC7 and H5 of the South East Plan 2009.”

## **7. APPRAISAL**

- 7.1 An outline application that proposed: “A 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).” was granted permission on appeal in 2010 following a major public inquiry (ref 08/00716/OUT).
- 7.2 The permission with regard to the flying field was implemented but a subsequent second application was submitted for the settlement area. That permission for a new settlement was granted in December 2011 (ref 10/01642/OUT).The permission was in outline so details of layout, scale, appearance, landscaping and access (the reserved matters) have to be submitted within a period of ten years.
- 7.3 The appeal and subsequent planning decisions have already been taken into account by the Council as part of its Local Plan and the development of former RAF Upper Heyford is seen as the major single location for growth in the District away from Banbury and Bicester. This seems a feasible proposition as the outline

permission is now in place. Furthermore, in the CLP, additional sites have been allocated for development in and around Heyford.

- 7.4 Streets are set out in the Design Code in a hierarchy with Camp Road the one primary street in the new settlement. Greater detail on this can be found in the Design Code which has been used on this site as a guide to the form and layout of the proposed development. Extensive pre application discussions have been had on this site. The scheme has been amended during processing as a result of comments made by statutory undertakers.
- 7.5 Paragraph 14 of the NPPF makes it clear that there is a presumption in favour of sustainable development and that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits of it and also the harm that would be caused by a particular scheme in order to see whether it can be justified. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the Framework. It is also necessary to recognise that Section 38 of the Act continues to require decisions to be made in accordance with the development plan and the Framework highlights the importance of the plan led system as a whole.
- 7.6 The Development Plan for Cherwell District comprises the saved policies in the adopted Cherwell Local Plan 1996 and the adopted Cherwell Local Plan 2011-2031. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the local planning authority shall have regards to the provisions of the development plan in so far as is material to the application and to any material considerations. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise. This is also reflected in the National Planning Policy Framework (NPPF) at paragraph 11 which makes it clear that the starting point for decision making is the development plan.
- 7.7 Policy Villages 5 of the CLP identifies the former military base as a strategic site in the rural area for a new settlement. The land subject of this application, Camp Road, is identified within that policy as part of a potential development area. The policy seeks to achieve a settlement of approximately 1600 dwellings in addition to those already approved. The policy also goes on to lay down specific design and place making principles including avoiding development on more sensitive and historically significant sites, retain features that are important for the character and appearance of the site, encourage biodiversity enhancement, environmentally improve areas, integrate the new and existing communities and remove structures that do not make a positive contribution to the site's special character. Most of this is of limited relevance to the current application which is after all for reserved matters approval of the outline permission for highway infrastructure but the plans and supporting documentation demonstrate its conformity with the development plan. The significant elements are:
- Development of a brownfield site
  - The environmental improvement of the locality
  - A commitment to quality design and finishes reflective of the approved Heyford design code
  - Integration and connectivity to the surrounding development

- 7.8 The key issue for consideration in this case is whether this scheme conforms to the principles set out in the development plan, the outline planning permission and masterplan for the site, and the design code as approved. The answer is yes.
- 7.9 It was always envisaged that this road would be modified as part of the planned development. The carriageway has moved slightly south to encourage motorists to slow down but Camp Road's linearity is to be maintained overall. It is noted Historic England who have pursued this point in off line discussions have not objected. The Highway Authority has also withdrawn their earlier objection. They still have concerns but which can be addressed when a s278 submission is made.
- 7.10 The details set out in the drawings and supporting documentation confirm it will be in line with the parameters of the Design Code as set out in the background to this report and in principle the application is seen to conform with the conditions of the outline permission and to Policy Villages 5. It is of course an application for approval of reserved matters and as such is seen to conform in principle with the terms and conditions of the (outline) planning permission and the masterplan approved as part of application reference of 10/01642/OUT.
- 7.11 The landscape setting is an important part of the proposed character of the area. There are no important trees within site although several in close proximity to the north. The principle has been established which this scheme follows to continue the verge and significant trees along Camp Road.. These should form an attractive feature framing of the site. Further landscaping is provided through the layout although details are required and a condition is recommended. The applicant has set up a management company responsible for maintenance of the landscaping at Heyford Park. This keeps control of some of the hedging and trees out of the domain of the individual organisation and an adoption plan illustrates this.

## **8. PLANNING BALANCE AND CONCLUSION**

- 8.1 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.
- 8.2 It is considered this scheme will form a crucial part of the overall development scheme for Heyford and help create an area with a distinct character reflecting the principles set out in the masterplan and design coding for the site. It conforms to the Council's site specific policy-Village 5. It is therefore recommended these reserved matters are approved.

## **9. RECOMMENDATION**

That permission is granted, subject to the following conditions

- 1 Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following documents: Application forms, Arboricultural Impact Assessment and Tree Condition Survey for S.278 Agreement Works at Camp Road 0317-2111 Rev.1 - April 2017 27.04.17 and the following drawings:

Village Centre - S278 Typical Construction Details HEYF-5-223 C

Village Centre - S278 General Arrangement (Location Plan) HEYF-5-230 B

Village Centre - S278 Existing Utility Layout HEYF-5-231 A 01.06.17

Village Centre - S278 Surface Finishes Layout HEYF-5-232 E  
Village Centre - S278 Land to be dedicated as Highway HEYF-5-234 A  
Village Centre - S278 Highway Drainage & Catchments Sheet 1 HEYF-5-235 C  
Village Centre - S278 Highway Drainage & Catchments Sheet 2 HEYF-5-236 A  
Village Centre - S278 Tracking HEYF-5-237 A  
Village Centre - S278 Contour Plan HEYF-5-238 C  
Village Centre - S278 White Lining and Signage HEYF-5-239 B  
Village Centre - S278 Long Sections HEYF-5-240 D  
Village Centre - S278 Setting Out HEYF-5-241 C

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

- 2 Within 6 months of the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 3 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 4 Prior to occupation of any residential or commercial property accessed from the road hereby approved, a landscape management plan, to include the timing of the implementation of the plan, long term design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas, other than for privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscape management plan shall be carried out in accordance with the approved details.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 5 All agreed service trenches, pipe runs, drains or any other excavation to be constructed within the agreed Root Protection Area (RPA) of trees on or adjacent the site shall be undertaken in accordance with National Joint Utility Group 'Guidelines for the Planning, Installation and Maintenance of Utility apparatus in Proximity to Trees - Volume 4 and all subsequent revisions and amendments thereof.

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 6 Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all purpose built tree pits and associated above ground features, to include specifications for the installation of below ground, load-bearing 'cell structured' root trenches, root barriers, irrigation systems and a stated volume of a suitable growing medium to facilitate and promote the healthy development of the proposed trees, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and specifications.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 7 No pavements other than Marshall Keyblok-Burnt Ochre are to be used in the block paved areas of the new development. No other materials are to be used until written consent of the Local Planning Authority is received for the variation.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 8 Prior to the commencement of the development, full details of the locations and facilities to be provided at each bus stop including Real Time Information and a programme of delivery shall be submitted to and approved in writing by the Local Planning. Thereafter the bus stops and facilities shall be provided and retained in accordance with the approved details.

Reason - To ensure facilities to enable convenient use of public transport and in accordance with Government guidance contained within the National Planning Policy Framework.

#### **PLANNING NOTES**

- 1 Attention is drawn to the conditions imposed on the "outline" permission (App. No.

10/01642/OUT;) granted on 22.12.2011 which should be read together with this approval. Any outstanding requirement of the conditions to submit details for approval by the Local Planning Authority should be particularly noted.

2 Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.

3 Fibre to the Premises (FTTP) technology

Openreach will provide FTTP infrastructure free of charge for developments of 30 or more plots. For sites for 2 - 29 plots Openreach will review the available technology in the area, if FTTC infrastructure is not available free of charge then developers can choose to make a contribution to receive this technology and an offer will be issued at registration. You'll need to register your site at least nine months before the date that you want Openreach to provide service to the first new property, or if you're installing a lift, at least nine months before the lift commissioning date. This must be at least eight weeks before you actually start on the site construction.

For further information, please visit

<https://www.ournetwork.openreach.co.uk/property-developers/site-registration.aspx>

4 Please note that separate consent is likely to be required for this work under the Highways Act 1980 (as amended). You should contact the Road Agreements Team at Oxfordshire County Council, as the Local Highways Authority in this instance, before commencing works. They can be contacted via email: [roadagreements@oxfordshire.gov.uk](mailto:roadagreements@oxfordshire.gov.uk), or telephone: 01865 815202.

5 The Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. Alternatively the developer may wish to consider adoption of the estate road under Section 38 of the Highways Act.

6 Prior to commencement of development, a separate consent must be obtained from OCC Road Agreements Team for the highway works under S278 of the Highway Act. Contact: 01865 815700; [RoadAgreements@oxfordshire.gov.uk](mailto:RoadAgreements@oxfordshire.gov.uk). There will need to be a consultation for the Traffic Regulation Order (TRO), with associated fees as follows.

- o Loading bay - £2600;
- o Raised traffic calming tables - £800;
- o Zebra crossing - £800.

If a 20mph speed limit is proposed then this would need a further TRO with an associated fee of £2600

7 Closure of Public Highway

If the permission hereby given requires work within the public highway, the applicant is advised that he/she should not commence such work before formal consent is secured from the Highway Authority by way of either (a) a Section 184 Highways Act 1980 notice, or (b) the completion of a formal agreement between

the applicant and the Highway Authority. Details of the form of both a) and b) above may be obtained direct from Oxford County Council, the Highway Authority on Tel. (01865) 844300.

### **STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), the Council has worked positively and proactively to determine this application within the agreed timescales, having worked with the applicant/agent where necessary and possible within the scope of the application (as set on in the case officer's report) to resolve any concerns that have arisen, in the interests of achieving more appropriate and sustainable development proposals. Consent has been granted accordingly.

The case officer's report and recommendation in respect of this application provides a detailed assessment of the merits of the application when considered against current planning policy and guidance, including consideration of the issues raised by the comments received from consultees and members of the public. This report is available to view online at: <http://www.cherwell.gov.uk/viewplanningapp>.

Case Officer: Andrew Lewis

DATE:

Checked By: Bob Duxbury

DATE: 4.4.18

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