

# COUNTY COUNCIL'S RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL

**District:** Cherwell

**Application No:** 16/02446/F-4

**Proposal:** 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.

**Location:** Phase 9 Heyford Park, Camp Road, Upper Heyford, Bicester

**Response date:** *12<sup>th</sup> July 2019*

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This report sets out the officer views of Oxfordshire County Council (OCC) on the above proposal. These are set out by individual service area/technical discipline and include details of any planning conditions or informatives that should be attached in the event that permission is granted and any obligations to be secured by way of a S106 agreement. Where considered appropriate, an overarching strategic commentary is also included. If the local County Council member has provided comments on the application these are provided as a separate attachment.

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### **Strategic Comments**

As previously reported, OCC support this application and the delivery of Local Plan Policy Villages 5: Former RAF Upper Heyford.

Following receipt of additional information, OCC's transport objections concerning the proposed bus loop and highway layout have been satisfied and are removed (subject to a S278 agreement and approval of a separate planning application).

OCC's drainage objection has yet to be overcome.

No further information on the transport assessment has been provided; it is still dependant on the site-wide allocation Transport Assessment, and agreement on the associated mitigation package. Whilst the strategic mitigation package is not yet fully complete, good progress has been made and OCC is seeking a S106 agreement whereby appropriate and proportionate contributions towards the Policy Villages 5 transport strategy are made in order to mitigate the development's likely impact. As previously reported, whilst OCC would normally insist on this work being carried out prior to the application going to planning committee, it is considered that the release of Growth Deal funding towards infrastructure solutions constitutes exceptional circumstances. Therefore, if CDC are minded to approve this application, any resolution to grant planning permission should be subject to a S106 agreement to secure the S106 contributions for the elements of the masterplan mitigation package based on the best information available at this time.

All comments in OCC's responses of 6<sup>th</sup> March 2017, 6<sup>th</sup> July 2018, and 19<sup>th</sup> September 2018 continue to apply other than where addressed in this update.

**Officer's Name: Jacqui Cox**

**Officer's Title:** Locality Lead (Cherwell)

**Date:** 12<sup>th</sup> July 2019

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## **General Information and Advice**

### **Recommendations for approval contrary to OCC objection:**

IF within this response an OCC officer has raised an objection but the Local Planning Authority are still minded to recommend approval, OCC would be grateful for notification (via [planningconsultations@oxfordshire.gov.uk](mailto:planningconsultations@oxfordshire.gov.uk)) as to why material consideration outweighs OCC's objections, and given an opportunity to make further representations.

### **Outline applications and contributions**

The number and type of dwellings and/or the floor space may be set by the developer at the time of application, or if not stated in the application, a policy compliant mix will be used for assessment of the impact and mitigation in the form of s106 contributions. These are set out on the first page of this response.

In the case of outline applications, once the unit mix/floor space is confirmed by the developer a matrix (if appropriate) will be applied to assess any increase in contributions payable. The matrix will be based on an assumed policy compliant mix as if not agreed during the s106 negotiations.

Where unit mix is established prior to commencement of development, the matrix sum can be fixed based on the supplied mix (with scope for higher contribution if there is a revised reserved matters approval).

### **Where a S106/Planning Obligation is required:**

- **Index Linked** – in order to maintain the real value of s106 contributions, contributions will be index linked. Base values and the index to be applied are set out in the Schedules to this response.
- **Security of payment for deferred contributions** – An approved **bond** will be required to secure payments where the payment of S106 contributions (in aggregate) have been agreed to be deferred to post implementation and the total County contributions for the development exceed £1m (after indexation).
- **Administration and Monitoring Fee - TBC**  
This is an estimate of the amount required to cover the extra monitoring and administration associated with the S106 agreement. The final amount will be based on the OCC's scale of fees and will be adjusted to take account of the number of obligations and the complexity of the S106 agreement.
- **OCC Legal Fees** The applicant will be required to pay OCC's legal fees in relation to legal agreements. Please note the fees apply whether an s106 agreement is completed or not.

### **CIL Regulation 123**

Due to pooling constraints for local authorities set out in Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended), OCC may choose not to seek contributions set out in this response during the s106 drafting and negotiation.

That decision is taken either because:

- OCC considers that to do so it would breach the limit of 5 obligations to that infrastructure type or that infrastructure project or
- OCC considers that it is appropriate to reserve the ability to seek contributions to that infrastructure type or that infrastructure project in relation to the impacts of another proposal.

The district planning authority should however, take into account the whole impact of the proposed development on the county infrastructure, and the lack of mitigation in making its decision.

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## **Transport Schedule**

### **Recommendation:**

#### **No objection subject to:**

- **S106 Contributions** subject to agreement – draft agreement in circulation
- **An obligation to enter into a S278 agreement and the delivery of works** on Camp Road, including a bus turning area (note this depends on approval of planning application 19/01020/F), at Hopcrofts Holt and the provision of a school crossing.
- **Planning Conditions** as previously advised

### **Key points**

Our objection to the previous amendment to this planning application had been:

- It is not possible to fully assess the impact of traffic and the mitigation required based on the Transport Addendum provided, due to its dependency on the site-wide Allocation Transport Assessment and agreement on its associated mitigation package, which is not yet complete.
- The proposed bus loop within the site is too constrained and could prejudice the sustainable transport strategy for the Policy Villages 5 Allocation site.
- Various aspects of the proposed layout pose a potential highway safety risk, as well as being prejudicial to the provision of attractive sustainable transport opportunities.

The amendments provided for consultation relate only to the internal layout of the development, as shown on Planning Layout 0521-PH9-102.

No further information on the transport assessment has been provided. Our comments from our previous response still stand, but OCC is seeking a S106 agreement whereby appropriate, proportionate contributions towards the Policy Villages 5 transport strategy are made in order to mitigate the development's likely impact, albeit that transport strategy is not yet finalised and agreed.

There is no longer proposed to be a bus loop within the development. Instead, the developer has agreed to provide a bus turning area on Camp Road, which is the subject of a separate planning application, 19/01020/F, along the access arrangements and other highway works on Camp Road. This objection is therefore removed, subject to 19/01020/F being approved.

Improvements have been made to the layout. A covering letter with the application sets out the changes that have been made. The detail of the layout will be subject to technical approval as part of the S38 process. On this basis the third point of objection is removed.

A small additional point has been made by our Road Agreements Team, which is that the square corners of the road outside plots 737 and 738, and other similar areas on the same street, will attract parking, which may encroach on the running lane of the street, leading to potential conflict on the corners.

**Officer's Name: Joy White**

**Officer's Title:** Principal Transport Planner

**Date:** 9 July 2019

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## **Lead Local Flood Authority**

### **Recommendation:**

Objection

### **Key issues:**

- Site drainage is heavily reliant on infiltration which has not been investigated and proved to be feasible
- Contamination issues at the site which could significantly affect the drainage proposals
- A SuDS treatment management train is not being provided inline with local and national standards before water is being discharged into the Gallos Brook
- Confirmation of ownership and maintenance of the drainage pipes and SuDS features is required.

### **Detailed comments:**

From the recent submitted information, I cannot see any details regarding drainage to confirm the points that were raised by the LLFA previously in June 2018. Previous comments are below;

*“It is a disappointment that the watercourses and swales envisaged adjacent to the highways proposed during master planning appear to be absent from the current surface water management proposals.*

*The applicant has not yet confirmed whether infiltration testing has been undertaken at the site to inform the SuDS infiltration component designs, such as the permeable paving proposed. I cannot find any record of specific infiltration testing to BRE 365 standard for this specific site provided with the application. A point I objected on following the previous consultation for this site. (Reason for Objection)*

*With reference to the micro-drainage calculations for the infiltration pond provided with this application ( provided in April 2017) , these show that that the pond size required to contain the critical 100 year + Climate Change allowance storm to be 3,273.6 cubic metres. However, the pond size shown the drawing supplied with this application ‘ Drainage Strategy Plan ‘ is (REF : 0521/PH9/320) sized at 2,775 cubic metres. Perhaps a typo on the drawing , Please could accurate dimensions be provided with up to date micro-drainage calculations. ( Reason for Objection)*

*Please could the applicant provide details of the treatment device upstream of the pond – Is this the downstream defender ( or similar) proposed during the master planning stage.*

*A SuDS Management and Maintenance Plan will be required for this site. This can be secured by way of a planning condition.”*

I do have further concerns regarding contamination. Both the Environment Agency and the Environment Protection Team at Cherwell have raised concerns regarding contamination and have asked for pre-commencement conditions to ensure this is fully investigated. The required mitigation could significantly affect the drainage proposals which are heavily reliant on infiltration.

Infiltration test results have yet to be provided to prove infiltration is feasible. However, infiltration will not be feasible in areas of contamination. The infiltration basin is located on top of the old reed bed system that treated and possibly still treats a large area of the airfield before it discharged into the Gallos Brook. Therefore, this area is likely to be heavily contaminated and unlikely to be suitable for infiltration or any form of attenuation.

The drainage strategy suggests that the proposed surface water drainage pipes will be adopted by the Water Authority however, the system does not discharge into the Thames Water sewer. Comments from Thames Water state that they have no objection as no surface water is proposed to discharge into their system. We will not accept any private drainage under the adopted highway, so clarification is required at this stage on ownership and maintenance of the proposed drainage and if any highway is proposed to be adopted.

It seems from the LLFA comments previously that the latest drainage strategy has reduced the SuDS measures from the previous proposals. We will expect a range of SuDS to be implemented throughout the site to deal with water quantity and water quality as required in line with our published guidance the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire".

**Officer's Name: Richard Bennett**  
**Officer's Title: Flood Risk Engineer**  
**Date: 10 July 2019**

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