

## **HYBRID PLANNING APPLICATION**

# **PLANNING STATEMENT INCLUDING AFFORDABLE HOUSING & S106 HEADS OF TERMS**

**HEYFORD PARK, UPPER HEYFORD, OXFORDSHIRE**

**ON BEHALF OF DORCHESTER LIVING LTD**

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)  
PLANNING AND COMPULSORY PURCHASE ACT 2004**

**Prepared by: Pegasus Group**

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COL JAMES P COOK

## 1. INTRODUCTION

1.1 This Planning Statement has been prepared by Pegasus Group on behalf of Dorchester Living Ltd (“the Applicant”).

1.2 The Statement is in support of a hybrid planning application for the comprehensive delivery of a new vision for Heyford Park comprising of an integrated development of new homes, a ‘creative city’ with new employment, enhanced heritage and visitor facilities and opportunities, ecological and green infrastructure, combined with provision of new social and community facilities and infrastructure on land at the Former RAF Upper Heyford airbase, Upper Heyford, Oxfordshire (“the application site”).

### Pre-Application Consultation

1.3 The Applicant has engaged in a series of pre-application discussions with representatives of Cherwell District Council, Oxfordshire County Council, Historic England and BBWOT. The process commenced with a workshop held in April 2017 with the Cherwell District Council team, followed by a series of general Heyford Park planning meetings as well as dedicated pre-application focussed issue meetings held over 2017 and 2018.

1.4 A series of community and local stakeholder based consultations were also held in October 2017.

1.5 A more detailed summary of these pre-application discussions and the resultant evolution of the proposals can be found in the **Design and Access Statement** and also the **Report on Community Engagement**.

### Purposes and Structure of the Planning Statement

1.6 This Planning Statement considers the relevant National and Local Planning policies against which the application should be determined with particular reference to the adopted policies contained within the Cherwell Local Plan (2011-2031); and the National Planning Policy Framework (NPPF)<sup>1</sup> and the Planning Practice Guidance.

1.7 This Statement is not intended to duplicate matters referred to elsewhere, rather it provides a comprehensive overview of the land use and planning merits of the

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<sup>1</sup> As appropriate, reference and consideration are also given to the draft NPPF which was published for consultation by the Government in March 2018.

development, to be considered against the relevant planning policies and other material considerations pertinent to this application.

1.8 The Structure of this Planning Statement is as follows:

- **Section 2: Application Site and Surrounding Area** – Provides a description of the Application Site and its immediate surrounding context, and an overview of the relevant planning history;
- **Section 3: The Proposed Development** – Provides a summary of the Proposed Development and describes the proposed access, layout, scale, appearance and landscaping strategy etc.;
- **Section 4: Affordable Housing Statement** – Provides a summary of the proposed housing mix in the context of the Local Plan policy and on-going discussions with the Council;
- **Section 5: Planning Obligations** – Addresses the need or otherwise for a Section 106 Agreement;
- **Section 6: The Planning Framework** – Provides a summary of the key relevant planning and heritage legislation, policy and guidance at a national and local level that together comprise the Development Plan and other material planning considerations;
- **Section 7: Planning Assessment** – Assess the Proposed Development in the context of the extant planning policy of the Development Plan and material planning considerations; and
- **Section 8: The Overall Planning Balance** – Considers how the various planning considerations should be balanced and the weight to be given.

1.9 This Statement should be read alongside the suite of technical documents that accompany this application including:

- Design and Access Statement;
- Green Infrastructure Strategy;
- Environmental Statement (with arboricultural survey, Transport Assessment and Flood Risk Assessment)

- Report of Community Involvement;
- Odour Assessment;
- Sustainability and Energy Assessment.

## **2. SITE AND SURROUNDING AREA**

### Application site and surroundings

- 2.2 The application site comprises a substantial part of the Former RAF Upper Heyford (which extends to approximately 520 hectares in total) together with agricultural fields in the immediate locality. The former RAF Upper Heyford Site was a military airbase owned by the Ministry of Defence that was leased by the United States Air Force from the 1960s until the military vacation of the base in 1994.
- 2.3 The site is located approximately 7km north-west of Bicester, 13km south-east of Banbury and 3km south-west of Junction 10 of the M40 Motorway, in Oxfordshire, lying within the administrative area of Cherwell District Council.
- 2.4 The former airbase as a whole was designated as a Conservation Area in 2006, reflecting the role that the airbase played in the Cold War years, and its associated military architecture and layout.
- 2.5 The Application Site itself comprises 457.4 hectares of land on the former airbase.
- 2.6 The Application Site boundary is defined to the north by a perimeter chain-link fence topped by raked anti-climb barbed wire mounted on concrete posts, to a height of approximately 2.2m.
- 2.7 In addition to forming part of the RAF Upper Heyford Conservation Area and also the easternmost part of the Rousham Conservation Area, the application site also contains a number of Scheduled Monuments identified as 'Cold War Structures' at the former Upper Heyford as well as five listed buildings as noted in the 'RAF Upper Heyford Conservation Area Appraisal' produced by Cherwell District Council in 2006.

### Planning History

- 2.8 The former RAF Upper Heyford military airbase, now known as Heyford Park, has an extensive planning history. The most notable planning applications are the two decisions involving the comprehensive redevelopment of the former RAF Upper Heyford military base as a whole or part thereof.
- 2.9 The first of these decisions, referred to as the 'Lead Appeal', relates to an outline planning application (08/00716/OUT) for the formation of a new settlement of 1,075 dwellings, together with associated works and facilities, including

employment uses, community uses, a school, playing fields and other physical and social infrastructure, across the entire former military base.

- 2.10 The scheme was allowed at appeal (APP/C3105/A/08/2080594) dated 11 January 2010 and is subject to comprehensive S106 Unilateral Undertaking. The Lead Appeal established the principle of employment use in a considerable number of the buildings and structures on the former flying field, in association with a comprehensive management plan together with the demolition of existing structures and redevelopment of new housing and associated infrastructure along Camp Road and to the south.
- 2.11 Following the purchase of the site by the Dorchester Group in late 2010, a revised scheme, referred to as the 'Outline Permission' for the redevelopment of the residential and mixed use core of Heyford Park known as the 'New Settlement Area' was submitted to Cherwell District Council.
- 2.12 The application sought permission for a proposed new settlement of 1,075 dwellings including the retention and change of use of 267 existing military dwellings to residential Class C3 and 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.
- 2.13 The application was duly approved by Cherwell District Council on the 22 December 2011 under application reference 10/01642/OUT, and was also subject to a further S106 Agreement.
- 2.14 Development in pursuance of the New Settlement Area is being taken forward through a combination of reserved matters and further specific outline applications by the Dorchester Group and Bovis Homes.
- 2.15 In June 2014, planning permission was granted for the creation of a new Free School at Heyford Park involving the refurbishment of the former Officers Mess towards the east of Camp Road (13/00343/F) and the former sports hall building towards the west (13/00740/F).
- 2.16 A detailed planning application for the development of the Village Centre South (16/01000/F) comprising of café/restaurant/hotel facilities together with a mixed use glazed market link was approved in November 2016. A reserved matters application for the development of Village Centre North, comprising of food

store/retail/residential apartments above, is under current consideration by the Council.

- 2.17 In September 2017, Pye Homes received a resolution to grant planning permission for 79 dwellings on greenfield land at the eastern end of Camp Road (15/01357/F), subject to a S106 Agreement being signed covering contributions towards physical and social infrastructure.



### 3. THE PROPOSED DEVELOPMENT

3.1 This planning application relates to the following description of development:

**"A hybrid planning application consisting of:**

- **demolition of buildings and structures as listed in Schedule 1;**
- **outline planning permission for up to:**
  - > **1,175 new dwellings (Class C3);**
  - > **60 close care dwellings (Class C2/C3);**
  - > **929 m2 of retail floor space (Class A1);**
  - > **670 m2 comprising a new medical centre of (Class D1);**
  - > **35,175 m2 of new employment buildings, (comprising up to 6,330 m2 Class B1a, 13,635 m2 B1b/c, 9,250 m2 Class B2 and 5,960 m2 B8);**
  - > **2.4 ha site for a new school (Class D1);**
  - > **925 m2 of community use buildings (Class D2); and 515 m2 of indoor sports, if provided on-site (Class D2);**
  - > **30m in height observation sky tower with zip wire with ancillary visitor facilities of up to 100 m2 (Class D1/A1/A3);**
  - > **1,000 m2 energy facility/infrastructure with a stack height of up to 24 m (sui generis);**
  - > **2,520 m2 additional education facilities (buildings and associated external infrastructure) at Buildings 73, 74 and 583 for education use (Class D1);**
  - > **creation of areas of Open Space, Sports Facilities, Public Park and other green infrastructure.**
- **the change of use of the following buildings and areas:**
  - > **Buildings 357 and 370 for office (Class B1a);**
  - > **Buildings 3036, 3037, 3038, 3039, 3040, 3041, and 3042 for employment use (Class B1b/c, B2, B8);**
  - > **Buildings 217, 3102, 3136, 3052, 3053, 3054, and 3055 for employment use (Class B8);**
  - > **Buildings 2010, 3008, 3009 for filming and heritage activities (Sui Generis/Class D1);**

- > **Buildings 2004, 2005 and 2006 for education use (Class D1);**
- > **Buildings 366, 391, 1368, 1443 and 2007, 2008 and 2009 (Class D1/D2 with ancillary A1-A5 use);**
- > **Building 340 (Class D1, D2/A3);**
- > **20.3ha of hardstanding for car processing (Sui Generis); and**
- > **76.6ha for filming activities (Sui Generis);**
- **the continuation of use of areas, buildings and structures already benefiting from previous planning permissions, as specified in Schedule 2.**
- **associated infrastructure works, including surface water attenuation provision and upgrading Chilgrove Drive and the junction with Camp Road."**

#### 4. AFFORDABLE HOUSING STATEMENT

- 4.1 In recognition of the operation of **Local Plan Policy BSC3** and **Policy Villages 5**, the proposals include affordable housing of different tenures and accommodation types across 30% of the overall dwellings.

Table 4.1 Proposed Affordable Housing Mix

<b>Property Type</b>	<b>Planning Application Proposal</b>
1 Bed	30
2 Bed	192
3 Bed	85
4 Bed	23
1/2 bed ECH / Older People Apartments	12
2 Bed Bungalows	6
<b>Sub Total</b>	<b>348</b>

- 4.2 The proposed affordable mix summarised above in Table 4.1 is subject to continuing negotiation and discussion with Cherwell District Council.
- 4.3 As has been the case on earlier Dorchester Phases, it is intended that the units will be provided by Heyford Regeneration in its role as a Registered Provider with the overall provision and control of the affordable units forming a principal obligation within the S106 Agreement.

## 5. PLANNING OBLIGATIONS

5.1 It is anticipated that contributions are likely to relate to the following areas in line with the operation of **Policy Villages 5**, subject to further consultation and negotiation with Cherwell District Council, Oxfordshire County Council and other relevant stakeholders and consultees as appropriate:

### Education

- provision of a new 1.5 entry primary school on a minimum 2.2 ha site as shown on the Composite Parameter Plan (or, in the alternative, agreeing to make a suitable site available for OCC with contributions for a school to be provided to OCC specification);
- contributions towards secondary school places which will consist of an expansion to the existing Heyford Park Free School sites to facilitate an additional 1.5 form of entry (or, in the alternative, providing a financial contribution to OCC);
- contributions towards sixth form places, which will consist of an expansion to Heyford Park Free School (or, in the alternative, providing a financial contribution to OCC);
- additional nursery provision, comprising of (a) an additional 1 form of entry at the proposed new primary school; and (b) the provision of nursery for 2 year old children either through private provision or through additional capacity;
- contribution towards special education needs.

### Open Space

- Provision of sports pitches to meet CDC requirements, to an agreed quantum;
- Provision of sports pavilion/changing rooms facilities;
- Indoor sport provision, consisting of on-site provision (or, in the alternative, providing a financial contribution for off-site provision);
- Provision of a mixture of community orchard areas and allotments;

- Provision of childrens' play areas to meet CDC requirements, to an agreed quantum.

#### Community Facilities

- Provision of community hall/youth facility to an agreed specification;
- Funding towards the provision of a community worker;
- Provision of a neighbourhood police facility.

#### Health Care

- Provision of an extra care facility to an agreed specification;
- Provision of a health facility of up to 670sq.m.

#### Access and Movement

- Contributions towards public transport provision;
- Provision of a community minibus;
- Undertaking Travel Plan initiatives;
- Enhancement of existing Public Rights of Way network;
- Reinstatement of Portway and Aves Ditch routes (amendments to existing S106 obligations);
- Contributions towards off site highway works to improve highway junctions;
- Contributions towards village traffic calming schemes.

#### Heritage

- Provision of an enhanced heritage visitor centre and associated heritage facilities as part of a Heritage Visitor Destination area, including operation of heritage tours;
- Wind and watertight works programme for buildings/structures.

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Ecology

- Provision of on-site ecological mitigation measures to an agreed specification and quantum;
- Contributions towards and/or provision of off-site ecological mitigation measures to an agreed specification and quantum.

Library

- Contribution towards library provision.

Public Art

- Contribution towards public art provision on site.

5.2 These proposed obligations are in addition to the provision of affordable housing as set out in **Section 4**.

5.3 A schedule listing the expected areas of contribution and the policy rationale is set out in **Appendix 1**.

## 6. THE PLANNING FRAMEWORK

6.1 The determination of a planning application is to be made pursuant to Section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with Section 70(2) of the Town and Country Planning Act 1990. Section 38(6) requires LPAs to determine planning applications in accordance with the Development Plan, unless there are material considerations which indicate otherwise. Section 70(2) provides that in determining planning applications the Local Planning Authority (LPA):

**“shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations.”**

6.2 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), places a statutory duty on LPAs to ensure that special regard is given to the desirability of preserving a Listed Building or its setting in determining planning applications:

**“In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”**

6.3 In addition, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), places a statutory duty on LPAs to ensure that any proposals preserve or enhance the character and appearance of Conservation Areas. The Act sets out the general duty of local planning authorities as respects Conservation Areas in the exercise of their planning functions, stating that:

**“In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”**

6.4 Accordingly, the statutory requirements of Section 66(1) and Section 70(2) of the Town and Country Planning Act 1990 should be considered in conjunction with Section 38(6) of the Planning and Compulsory Purchase Act 2004 in the determination of this planning application.

6.5 The extant Development Plan comprises the:

- Cherwell Local Plan 2011-2031 Part 1, adopted 20 July 2015; and
- Cherwell Local Plan, adopted November 1996 (only those policies saved by the saving direction issued by the Secretary of State and which have not been subsequently superseded by the adoption of the Cherwell Local Plan 2011-2031 Part 1).

6.6 Other material planning considerations include national and local policy and guidance, comprising the:

- National Planning Policy Framework (March 2012);
- National Planning Practice Guidance (various dates);
- RAF Upper Heyford Revised Comprehensive Planning Brief 2007;
- Developer Contributions Supplementary Planning Document February 2018;
- Emerging Pre-Submission Mid-Cherwell Neighbourhood Plan consultation version August 2017;
- Emerging draft Cherwell Design Guide (November 2017).

6.7 Cherwell District Council are in the early stages of preparing their Local Plan Part 2: Development Management Policies and Sites. The Local Plan Part 2 is to conform to the strategic policies and overall development strategy set out in the Local Plan Part 1 and will cover the same time period, 2011 to 2031.

6.8 This chapter identifies the relevant planning matters contained within the Development Plan and other material planning considerations pertinent to the planning application under consideration.

### **The Development Plan**

#### **Cherwell Local Plan 2011-2031**

6.9 The Development Plan comprises the policies of the adopted Cherwell Local Plan 2011-2031 (adopted 20th July 2015). The relevant policies from the adopted Local Plan are considered below.



- 6.10 The Executive Summary to the Local Plan confirms that an objective of the Plan is to boost significantly the supply of housing and meet the objectively assessed need for Cherwell identified in the Oxfordshire Strategic Housing Market Assessment (SHMA) 2014 – some 1,140 dwellings per annum or a total of 22,800 from 2011 to 2031.
- 6.11 **Paragraph B.96** sets out that the Local Plan seeks to deliver growth in accordance with the NPPF’s Core Planning Policies including, inter alia, seeking to secure high quality design and a good standard of amenity by developing new neighbourhoods and achieving regeneration and redevelopment of key sites, and encouraging the effective re-use of existing land and buildings and bring forward sites that contain land of lesser environmental value such as at the Former RAF Upper Heyford.
- 6.12 In line with this approach, **Policy PSD 1: Presumption in Favour of Sustainable Development** states that the Council will take a proactive approach to reflect the presumption in favour of sustainable development as contained in the NPPF, work proactively with applicants to jointly find a solution and to secure development that improves the economic, social and environmental conditions of the area. Furthermore, that the Council will approve applications that accord with the policies of the statutory Development Plan without delay unless material considerations indicate otherwise.
- 6.13 With regard to the former airbase, **paragraph C.288** indicates that the site was previously subject to a policy from the Oxfordshire Structure Plan 2016 (Policy H2) which was saved by the South East Plan and retained upon the South East Plan’s revocation. However, **Policy Villages 5**, discussed below, replaces Policy H2 in guiding future redevelopment of the site, as Policy H2 has now been superseded by the adoption of the Local Plan and therefore carries no weight.
- 6.14 **Policy Villages 5 (Former RAF Upper Heyford)** specifically allocates this 520 hectare site for, inter alia, a settlement of approximately 1,600 dwellings (in addition to the 761 dwellings (net) already permitted).
- 6.15 **Policy Villages 5** sets out the description of the allocation as:

**“This site will provide for a settlement of approximately 1,600 dwellings (in addition to the 761 dwellings (net) already permitted) and necessary supporting infrastructure, including primary and secondary education provision and appropriate community,**

**recreational and employment opportunities, enabling environmental improvements and the heritage interest of the site as a military base with Cold War associations to be conserved, compatible with achieving a satisfactory living environment. A comprehensive integrated approach will be expected.”**

- 6.16 **Policy Villages 5** also sets a range of ‘key specific design and place shaping principles’ which apply, in whole or part, to the entire allocated site unless specifically stated. The specific criteria are addressed in the relevant sections of the subsequent assessment of the proposal later in this statement in Section 7.
- 6.17 Other policies contained within the adopted Local Plan of relevance to this application are summarised below.
- 6.18 **Policy SLE 1: Employment Development** states that employment development will be focussed on existing employment sites. It further states inter alia that on existing operational or vacant employment sites including rural areas employment development, including intensification, will be permitted subject to compliance with other policies in the Plan and other material considerations.
- 6.19 **Policy SLE 1** further states that new dwellings will not be permitted within employment sites except where this in accordance with specific site proposals set out in this Local Plan. As noted previously, Policy Villages 5 does specifically allocate a further 1,600 dwellings at this site.
- 6.20 **Policy SLE 3: Supporting Tourism Growth** notes that the Council will support proposals for new or improved tourist facilities in sustainable locations, where they accord with other policies in the plan, to increase overnight stays and visitor numbers within the District.
- 6.21 **Policy SLE 4: Improved Transport and Connections** supports, inter alia, the implementation of key transport proposals including “Transport Improvements at ... the Former RAF Upper Heyford in accordance with the County Council’s Local Transport Plan and Movement Strategies”. **Policy SLE 4** also provides for new development to provide financial and/or in-kind contributions to mitigate the transport impacts of development, and seeks that all development, where feasible, should facilitate the use of sustainable modes of transport. Development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.

- 6.22 **Policy BSC 1: District Wide Housing Distribution** sets out the housing requirements across the district over the period 2011-2031. An additional 22,840 dwellings are proposed over the plan period. The allocation at Heyford Park of 1,600 additional dwellings therefore represents some 7% of Cherwell's overall housing requirement over the plan period.
- 6.23 **Policy BSC 2: The Effective and Efficient Use of Land – Brownfield Land and Housing Density** states an expectation to make effective and efficient use of land through encouraging re-use of previously developed land in sustainable locations, requiring at least 30 dwellings per hectare 'net density'<sup>2</sup> unless there are justifiable planning reasons for lower density development.
- 6.24 **Policy BSC 3 (Affordable Housing)** advises that all developments at Banbury and Bicester that include 11 or more dwellings (gross), or which would be provided on sites suitable for 11 or more dwellings (gross), will be expected to provide at least 30% of new housing as affordable homes on site. Whilst at Kidlington and elsewhere, all proposed developments of the same thresholds will be expected to provide at least 35% of new housing as affordable homes on site. Furthermore, all qualifying developments will be expected to provide 70% of the affordable housing as affordable/social rented dwellings and 30% as other forms of intermediate affordable homes. However, in the case of the Former RAF Upper Heyford, **Policy Villages 5** specifically states that at least 30% affordable housing will be required.
- 6.25 **Policy BSC 4 (Housing Mix)** continues that the Council will not only aim to increase the supply of housing but to encourage a mix that can help improve the functioning of the housing market system, make it more fluid, and enable households to more easily find and move to housing which they can afford and which better suits their circumstances.
- 6.26 The supporting text to **Policy BSC 4** at paragraph B.114 indicates that the policy is only the starting point for assessing the mix of affordable housing and that the mix will be further informed by the Council's Housing Register and local housing need surveys. There has been considerable survey work at Heyford Park over recent years which has informed the derivation of a local lettings policy and assessment of needs in this particular instance.

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<sup>2</sup> The term 'Net residential density' is not defined in the Local Plan's explanatory text, but is usually regarded as being calculated by only including the net residential plot area including access roads and incidental open space, but excluding higher order roads and open spaces.

- 6.27 In addition, **Policy BSC 4** sets an expectation that larger housing sites of at least 400 dwellings will be expected to provide a minimum of 45 self-contained extra care dwellings. This level of provision is justified in the explanatory text by reason of making support and care facilities operationally viable.
- 6.28 **Policy BSC 7: Meeting Education Needs** seeks to ensure the provision of pre-school, school, community learning and other facilities which provide for education and the development of skills. The explanatory text notes that the Council will support the growth plans of schools across the District and recognises the important role that viable schools play in maintaining the quality of life of communities across the District.
- 6.29 **Policy BSC 8: Securing Health and Well-Being** states that Council will support the provision of health facilities in sustainable locations which contribute towards health and well-being.
- 6.30 **Policy BSC 9: Public Services and Utilities** indicates that the Council will support proposals which involve new or improvements to public services/utilities if they are required to enable the successful delivery of sites and where they accord with other relevant policies in the Plan. It is also notes that all new developments will be expected to include provision for connection to Superfast Broadband.
- 6.31 **Policy BSC 10: Open Space, Outdoor Sport and Recreation Provision** sets out an approach towards ensuring sufficient quantity and quality of, and convenient access to open space, sport and recreation. This is in part to be achieved by ensuring that proposals for new development contribute to open space, sport and recreation provision commensurate to the need generated by the proposals.
- 6.32 **Policy BSC 11: Local Standards of Provision – Outdoor Recreation** requires development proposals to contribute to the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance.
- 6.33 **Policy BSC 12: Indoor Sport, Recreation and Community Facilities** states that the Council will encourage the provision of community facilities to enhance the sustainability of communities, in part by ensuring that development proposals contribute towards the provision of new or improved facilities where the

development would generate a need for sport. Recreation and community facilities which cannot be met by existing provision.

- 6.34 **Policy ESD 1: Mitigating and Adapting to Climate Change** sets out the measures that will be taken to mitigate the impact of development within the District on climate change at a strategic and development level.
- 6.35 **Policy ESD 2: Energy Hierarchy and Allowable Solutions** seeks the promotion of an 'energy hierarchy' which comprises: reducing energy (e.g. use of sustainable design and construction); supplying energy efficiently and giving priority to decentralised energy supply; renewable energy; and making use of allowable solutions.
- 6.36 **Policy ESD 3: Sustainable Construction** is intended to facilitate the reduction in energy use as set out in the provisions of **Policy ESD2** and reflects the objective of the Local Plan to secure the delivery of sustainable development.
- 6.37 **Policy ESD 4: Decentralised Energy Systems** encourages the use of decentralised energy provision (heat and/or power), with a feasibility assessment required for all applications of 100 dwellings or more, informed by the renewable energy map (Appendix 5 of the Local Plan) and heat demand densities by DECC (see Appendix 3 of the Evidence Base).
- 6.38 **Policy ESD 5: Renewable Energy** encourages the use of renewable energy where there is no unacceptable impact including cumulative impact on the identified features. A feasibility assessment is required for all applications of greater than 100 dwellings or more, to assess whether renewable energy is deliverable and viable.
- 6.39 **Policy ESD 6: Sustainable Flood Risk Management** requires the application of the sequential approach to managing flood risk in accordance with the NPPF and NPPG.
- 6.40 **Policy ESD 7: Sustainable Urban Drainage** requires the implementation of surface water drainage system (SUDS) to manage surface water run-off.
- 6.41 **Policy ESD 8: Water Resources** seeks to protect water quality, ensure adequate water resources and promote sustainability in water usage.

- 6.42 **Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment** seeks to protect and enhance biodiversity through a range of measures including seeking net gains in biodiversity; encouraging the protection of trees; encouraging the reuse of soils; protecting against significant harm arising from development proposals and the safeguarding of identified habitats and designated sites.
- 6.43 **Policy ESD 13: Local Landscape Protection and Enhancement** advises that development proposals will be expected to respect and enhance the local landscape character, with appropriate mitigation where damage to local landscape character cannot be avoided.
- 6.44 **Policy ESD 15: The Character of the Built and Historic Environment** advises that where development is in the vicinity of any of the District's natural or historical assets, the delivery of a high quality design that complements the asset will be essential. The policy requirements set out in **Policy ESD 15** apply to all types of development.
- 6.45 **Paragraph B.268** highlights the appearance of new development and its relationship with its surrounding built and natural environment as potentially having a significant effect on the character and appearance of an area. The need to secure new development that can positively contribute to the character of its local environment is of key importance and reflects the approach and significant criteria listed under **Policy ESD15**.
- 6.46 **Policy ESD 17: Green Infrastructure** seeks to maintain and enhance the District's green infrastructure through: pursuing opportunities for joint working to maintain and improve the network; protecting and enhancing sites and features forming the network and improving sustainable connectivity; ensuring the green infrastructure network is integral to the planning of new development; and incorporation of green infrastructure in strategic sites (i.e. those allocated under Section C of the Local Plan).
- 6.47 **Policy INF 1: Infrastructure** sets out the Council's approach to infrastructure planning in the District and seeks to ensure delivery of strategic site allocations in part by requiring development proposals to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.

Cherwell Local Plan 1996

- 6.48 The following saved policies of the Cherwell Local Plan, adopted November 1996, remain extant and relevant to the proposed development following the adoption of the Cherwell Local Plan 2011-2031:
- 6.49 **Policy C23: Retention of features contributing to character or appearance of a Conservation Area** states that there will be a presumption in favour of retaining buildings, walls, trees or other features which make a positive contribution to the character or appearance of a Conservation Area.
- 6.50 **Policy C25: Development affecting the site or setting of a scheduled ancient monument** seeks to protect the site and its setting of a scheduled monument as well as other nationally important archaeological sites and monuments, for which the Council will have regard to the desirability of maintaining its overall historic character including its protection, enhancement and preservation.
- 6.51 **Policy C28: Layout, design and external appearance of new development** advises that control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development. In sensitive areas such as Conservation Areas, the Area of Outstanding Natural Beauty and areas of high landscape value, development will be required to be of a high standard and the use of traditional local building materials will normally be required.

Statement of Common Ground

- 6.52 During the Examination Hearings for the now adopted Cherwell Local Plan 2011-2031, a **Statement of Common Ground (SoCG)** was agreed between the Dorchester Group and Cherwell District Council. The signed SoCG represents the position of the District Council and Dorchester and was presented to the Examination to clarify the Council's position and interpretation of **Policy Villages 5** and its implementation.
- 6.53 The SoCG confirms that:

**"Both the Dorchester Group and Cherwell District Council believe that the Proposed Modifications to allocate additional development through Policy Villages 5**

**represents an appropriate response to the uplift in housing requirements necessary to ensure that the Local Plan addresses the objectively assessed housing need.”**  
(Paragraph 3.2)

**“That the provision of additional growth at Former RAF Upper Heyford can be accommodated so that it consolidates and complements the on-going creation of a distinctive new community. Growth at Upper Heyford is being supported by the delivery of new affordable housing and new services and facilities.”** (Point 2 under the matters that the Parties agree)

**“The implementation of the approved scheme and the development of identified brownfield land in particular should not be delayed.”** (Point 9 under the matters that the Parties agree)

- 6.54 In terms of the longer term opportunities for development at the Upper Heyford site the SoCG states:

**“The parties agree that to secure a high quality development (for housing and employment) there will be a need for a comprehensive review of the proposed development at the site that considers the important heritage landscape setting of the site and how additional development can be successfully integrated within existing consented development. This will provide the means to secure development incorporating high quality design that relates closely to the history of the site.”**  
(Paragraph 6)

- 6.55 There is therefore consensus with the District Council that the Upper Heyford site has an important role to play both in terms of meeting identified housing needs, and to accommodate significant additional employment.

### **Other Material Considerations**

#### National Planning Policy Framework

- 6.56 The National Planning Policy Framework (NPPF) was published on 27 March 2012. The NPPF sets out the Government’s overarching planning policies for England. Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development, which for decision taking means:

**“approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:**

- **Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or**



- **Specific policies in this Framework indicate development should be restricted.”**

6.57 The NPPF translates these sustainable development dimensions into a series of 12 core planning principles. For the purposes of this application, particular regard should be had to the following principles:

**“Proactively drive and support sustainable economic development to deliver the homes, business and industrial, infrastructure and thriving local place that the county needs. Every effort should be made objectively to identify and then meeting the housing, business and other development needs of an area, and respond positively to wider opportunities for growth ...**

**...always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings ...**

- **encourage the effective use of land that has been previously developed (brownfield land), provided that it is not of high environmental value**
- **conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations**
- **actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.”**  
(NPPF Paragraph 17)

6.58 To this end, for decision-taking the NPPF states that:

**“Local authorities should approach decision making in a positive way to foster the delivery of sustainable development. LPAs should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible.”** (NPPF Paragraph 187)

6.59 **Section 1: Building a Strong, Competitive Economy** seeks to secure economic growth to create jobs and prosperity, stating that:

**“The Government is committed to ensuring that the planning system does do everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.”**

6.60 **Section 4: Promoting Sustainable Transport** seeks to facilitate sustainable development whilst contributing to the wider sustainability and health objectives,

reducing the need to travel and balancing favour towards sustainable modes of transport.

6.61 Development that may generate significant volumes of traffic are required to be supported by a Transport Statement or Assessment.

6.62 **Paragraph 32** goes onto state that

**“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”**

6.63 **Section 7: Requiring Good Design** attaches great importance to the design of the built environment, seeking to achieve high quality and inclusive design for all development including individual buildings, public and private spaces and wider area development schemes.

6.64 Planning decisions should aim to ensure that developments: function well and add to the overall quality of an area for their lifetime; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of a site to accommodate development and create and sustain an appropriate mix of uses, support local facilities and transport networks; respond to local character and history, reflecting the identity of local surroundings and materials; create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping (**paragraph 58**).

6.65 The NPPF encourages the use of design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

6.66 In addition, the NPPF directs that decisions should not impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

- 6.67 Furthermore, it is noted that whilst visual appearance and architecture are very important factors, the securing of high quality and inclusive design extends beyond aesthetic considerations, such that planning decisions should consider the connections between people and places and the integration of new development into the natural, built and historic environment (**paragraph 61**).
- 6.68 **Section 8: Promoting Healthy Communities** sets a number of objectives, not least that developments should promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life and that have clear and legible pedestrian routes, high quality public space and which encourage active and continual use of public areas (**paragraph 69**).
- 6.69 **Section 10: Meeting the Challenge of Climate Change, Flooding and Coastal Change** seeks to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.
- 6.70 With regards flood risk the NPPF (**paragraph 100**) requires that inappropriate development in areas of flood risk should be avoided. In the determination of planning applications local planning authorities should ensure that flood risk is not increased elsewhere and should only be considered appropriate in areas at risk of flooding where informed by a site-specific flood risk assessment, following a sequential test and, if required, an exception test (**paragraph 103**). However, the requirements of the sequential test need not apply for individual developments on sites allocated in development plans following a sequential test (**paragraph 104**).
- 6.71 **Section 11: Conserving and enhancing the natural environment** provides the policy framework with regards conserving and enhancing the natural environment (**paragraph 109**).
- 6.72 *Previously Developed Land* – A key principle in this section includes the statement the decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value (**paragraph 111**).
- 6.73 *Ecology and Nature Conservation* – Local authorities are required to make distinctions between the hierarchy of international, national and locally designed

sites so that protection is commensurate with their status and gives appropriate weight to their importance and contribution made to wider ecological networks **(paragraph 113)**.

6.74 *Pollution and Land Contamination* – **Paragraph 120** seeks to prevent unacceptable risks from pollution and land instability, such that decisions should ensure that new development is appropriate in its location.

6.75 **Section 12: Conserving and Enhancing the Historic Environment** directs local planning authorities to take a positive strategy to the conservation and enjoyment of the historic environment and specifically that they should:

**“... recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance” and that in doing so they should take into account “... the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation ...”** (paragraph 126)

6.76 As a general principle, the NPPF requires applicants to describe the significance of any heritage asset and the contribution made by their setting; however, the NPPF guides that this should be to the level of detail proportionate to the asset’s importance and no more than is sufficient to inform the understanding of the potential effects of the Proposed Development upon their significance **(paragraph 128)**.

6.77 Accordingly, the NPPF requires that:

**“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal”** (paragraph 129)

6.78 In the determination of planning applications, local planning authorities are directed to take account of:

- **The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;**

- **The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and**
- **The desirability of new development making a positive contribution to local character and distinctiveness.”** (paragraph 131)

6.79 Furthermore, with regard to the impact of development proposals on the significance (sensitivity) of the heritage asset, the NPPF states that:

**“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. ... As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”** (paragraph 132)

6.80 The NPPF clearly guides the degree to which harm should be considered with respect to the sensitivity and importance of the heritage asset, such that:

**“Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:**

- **the nature of the heritage asset prevents all reasonable uses of the site; and**
- **no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and**
- **conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and**
- **the harm or loss is outweighed by the benefit of bringing the site back into use.”** (paragraph 133)

**“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”** (paragraph 134)

**“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”** (paragraph 135)

**“Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.”** (paragraph 136)

- 6.81 The NPPF asserts that not all elements (buildings, structures etc.) will necessarily contribute to the significance of a Conservation Area and that proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably, whilst proposals that would result in the loss of a building or element that does make a positive contribution should be treated as either substantial harm (**under paragraph 133**) or less than substantial harm (**under paragraph 134**) taking into account the relevant significance of the element affected and its contribution to the Conservation Area as a whole.

#### Planning Practice Guidance

- 6.82 On 6th March 2014 the Department for Communities and Local Government (DCLG) launched the **Planning Practice Guidance (PPG)** web-based resource.
- 6.83 In terms of design, the PPG largely reflects the policies set out in the NPPF. It again reiterates that pre-application discussions are an opportunity to discuss the design policies, requirements and parameters that will be applied to a site whereby the Local Authority can explain the design issues they feel are most important and the developer can explain their own objectives and aspirations.
- 6.84 With regard to Design Codes, it is recommended that LPAs should consider using one to help deliver high quality outcomes where for example they wish to ensure consistency across large sites which may be in multiple ownership and/or where development is to be phased and more than one developer and design team is likely to be involved. It goes on to say that design codes should wherever possible avoid overly prescriptive detail and encourage sense of place and variety (unless local circumstances can clearly justify a different approach).
- 6.85 Matters relating to the historic environment are addressed within the section entitled ‘Conserving and Enhancing the Historic Environment’. The PPG confirms

that the consideration of 'significance' in decision taking is important and states that heritage assets may be affected by direct physical change or by change in their setting. It goes on to say that being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals.

- 6.86 The PPG also provides guidance in respect of non-designated heritage assets such as buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets.
- 6.87 In terms of guidance on how to assess if there is there is substantial harm in respect of heritage assets, the PPG states:

**"What matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset. As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset's physical presence, but also from its setting.**

**Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting. While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.**

**Policy on substantial harm to designated heritage assets is set out in paragraphs 132 and 133 to the National**

**Planning Policy Framework.”** (paragraph 017<sup>3</sup>, emphasis added)

6.88 With regards unlisted buildings in a Conservation Area, the PPG states:

**“An unlisted building that makes a positive contribution to a conservation area is individually of lesser importance than a listed building (paragraph 132 of the National Planning Policy Framework). If the building is important or integral to the character or appearance of the conservation area then its demolition is more likely to amount to substantial harm to the conservation area, engaging the tests in paragraph 133 of the National Planning Policy Framework. However, the justification for its demolition will still be proportionate to the relative significance of the building and its contribution to the significance of the conservation area as a whole.”** (paragraph 018<sup>4</sup>)

6.89 The PPG states that non-designated heritage assets may comprise:

**“...buildings, monuments, sites, places areas or landscapes identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets.”** (paragraph 039<sup>5</sup>)

#### The Emerging Mid-Cherwell Neighbourhood Plan

6.90 The Mid-Cherwell Neighbourhood Plan area was designated on 14 April 2016 and comprises the consortium of Parish Councils as listed below:

- Kirtlington Parish Council
- Duns Tew Parish Council
- Lower Heyford Parish Council
- Middleton Stoney Parish Council
- Somerton Parish Council
- Steeple Aston Parish Council
- Middle Aston Parish Council

<sup>3</sup> PPG Conserving and Enhancing the Historic Environment, Paragraph: 017 Reference ID: 18a-017-20140306, last revised 06/03/2014 (searched May 2018)

<sup>4</sup> PPG Conserving and Enhancing the Historic Environment, Paragraph: 018 Reference ID: 18a-018-20140306, last revised 06/03/2014 (searched May 2018)

<sup>5</sup> PPG Conserving and Enhancing the Historic Environment, Paragraph: 039 Reference ID: 18a-039-20140306, last revised 06/03/2014 (searched May 2018)



- North Aston Parish Council
- Ardley with Fewcott Parish Council
- Fritwell Parish Council
- Upper Heyford Parish Council
- Heyford Park Residents' Association
- The Dorchester Group

6.91 The preparation of the Mid-Cherwell Neighbourhood Plan has considerable support from a large number of Parish Council's, representing a collection of communities and Parishes that occupy a distinctive area of the Cherwell District, all of which have a close functional relationship to the only strategic employment site outside of the main towns and Banbury and Bicester, the former RAF Upper Heyford Site (Policy Villages 5). It reached the Pre-Submission Consultation Version stage in August 2017<sup>6</sup>.

6.92 The Pre-Submission Neighbourhood Plan (NP) at paragraph 1.7.8 notes that the Local Plan Policy Villages 5 provides for new housing, employment opportunities, facilities and services which will play a major role of provision in the NP area.

6.93 Pre-submission Policy PD3 addresses development adjacent to Heyford Park and requires that new development should not give rise to coalescence with surrounding settlements. Particular reference is made to the western boundary of Heyford Park and a proposed buffer zone with Upper Heyford. Further, a buffer zone to the south of Heyford Park is proposed to ensure the separate identity and character of Caulcott as a rural hamlet is maintained.

6.94 Other policies in the NP of particular relevance to this planning application include Policy PH4 concerning provision of extra care homes at Heyford Park, the requirement for Travel Plans and Traffic Impact Assessments to address traffic 'hot spots' in the NP area under Policy PT1, developer contributions to be spent on infrastructure within the NP area is sought under Policy PC1, support for the provision of a new health centre at Heyford Park is expressed at Policy PC3, and also support for the provision of a cemetery or green burial facility at or adjacent to Heyford Park at Policy PC4.

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<sup>6</sup> At the time of preparing this statement, it is understood that the NP is likely to reach the next statutory stage of its preparation in early May with the Regulation 16 consultation.

Supplementary Planning Documents

- RAF Upper Heyford Conservation Area Appraisal – April 2006
- RAF Upper Heyford Revised Comprehensive Planning Brief 2007
- Developer Contributions Supplementary Planning Document – February 2018

## 7. PLANNING ASSESSMENT

7.1 Section 38(6) of the Planning and Compulsory Purchase Act requires proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise. This section provides an analysis of the proposal against the extant Development Plan and those matters which are material to the determination of the planning application at a national and local level.

7.2 To assess whether the Proposed Development would meet the relevant provisions of the Development Plan and other material considerations, the key planning issues are considered to be:

- Principle and Quantum of Development Proposed;
- Residential;
- Employment;
- Cultural Heritage;
- Landscape and Visual Amenity;
- Ecology;
- Social and community;
- Transport and Access;
- Flood Risk and Drainage; and
- Sustainable Construction and Energy.

### **Principle and Quantum of Development Proposed**

7.3 The Application Site (with the limited exceptions of the proposed sports park to the south west of the proposed development area and the existing sewage treatment works to the south east), lies within a strategic allocation as expressly stated by **Policy Villages 5** of the adopted Development Plan.

7.4 **Policy Villages 5** sets out a clear requirement that, as part of the strategic allocation of Heyford Park, approximately 1,600 new dwellings will be delivered as part of the Council's delivery of new housing across the plan period in line with

**Policy BSC 1**; and that there should be approximately 1,500 jobs created on a land area of approximately 120,000 m<sup>2</sup> (or 12 ha).

7.5 The importance of this strategic allocation in meeting the housing needs of the District is emphasised in Paragraph C.291 of the Local Plan which states that:

**“The site is allocated in this Local Plan as a means of securing the delivery of a lasting arrangement on this exceptional large scale brownfield site, whilst additional greenfield land is now allocated in the context of meeting the full objectively assessed housing needs of the District by realising the opportunities presented by the development of this new settlement. The former airbase currently has planning permission for a new settlement of some 1,075 homes (gross), and Policy Villages 5 provides for additional development through a combination of the intensification of the density of development on the less sensitive previously developed parts of the site, and new, limited, greenfield development in areas that would be complimentary to the approved development. ....The policy allows for residential development focused to the south of the flying field, avoiding the most historically sensitive parts of the site, and on limited greenfield land to the south of Camp Road....”**

7.6 The Proposed Development as shown in the Composite Parameter Plan will deliver 1,175 dwellings of the 1,600 allocated in **Policy Villages 5**.

7.7 The remaining 425 dwellings proposed in the **Policy Villages 5** allocation are to be expected to be brought forward in the following manner:

- Phase 9 site, land south of Camp Road – a current application (16/024446/F), also submitted by Dorchester, is before the Council for 297 dwellings;
- Pye Homes site, land north east of Camp Road – a current application (15/05037/F) has been submitted by Pye Homes for 79 dwellings and has been the subject of a Council resolution to grant permission in October 2017;
- Parcel 15, land to the north of the Pye Homes site, which is owned by a third party landowner, which applying similar development densities to that approved by the Council on the adjacent Pye Homes site, would be expected to yield 49 dwellings. No planning application has been submitted on this land parcel to date.

- 7.8 The mix of employment land uses proposed in the planning application, comprising a combination of change of use of appropriate built structures which do not currently have the benefit of planning permission, and the new build associated with the Creative City proposal are expected to yield 1,500 jobs assuming full occupancy. Whilst the proposed 'Creative City' (11.2ha) and employment area to the south (2.3ha) total gross area amounts to potentially 13.5 ha, which is in excess of the approximately 12ha employment land area noted in Policy Villages 5, the area has been planned so as to retain existing heritage assets meaning that a less efficient layout and density will be achieved. This is due to a large part of the central area will be left open (as indicated on the Building Height parameter plan), such that the net land area proposed in Creative City is nearer to 8.4 ha. Therefore, adding the additional 2.3ha of the employment area to the south to the net Creative City area results in c.10.7ha, which is within the Policy Villages 5 indicative employment area.
- 7.9 The specific considerations arising from the proposed residential and employment areas are considered subsequently in this section.
- 7.10 However, as a matter of principle with regard to the quantum of development proposed, the Proposed Development will achieve the delivery of the required number of dwellings (1,600) and create approximately 1,500 jobs as set out in Policy Villages 5. The Proposed Development therefore derives **support** from **Policy Villages 5** in respect of this consideration.

### **Residential**

- 7.11 With regard to residential considerations specifically, **Policy Villages 5** has a number of specific requirements.
- 7.12 The first is that the number of homes to be delivered should be approximately 1,600. This consideration has been addressed above under the 'Principle and Quantum of Development' and shown that this is capable of being achieved.
- 7.13 The second is that affordable housing should be provided of at least 30%. The applicant is willing to agree to this and a specific affordable housing mix is being discussed with the Council. This requirement will be met and is to be secured through provisions in a S106 Agreement.
- 7.14 The Proposed Development will assist in delivering **Policy BSC 1: District Wide Housing Distribution** by contributing 1,175 dwellings towards the overall

allocation at Heyford Park of 1,600 additional dwellings, and therefore represents the delivery of over 5% of Cherwell's overall housing requirement over the plan period.

- 7.15 **Policy BSC 2: The Effective and Efficient Use of Land – Brownfield Land and Housing Density** sets out an expectation to make effective and efficient use of land through encouraging re-use of previously developed land in sustainable locations, requiring at least 30 dwellings per hectare 'net density' unless there are justifiable planning reasons for lower density development.
- 7.16 The Proposed Development includes substantial areas of brownfield land for residential development, indeed of the 1,175 dwellings proposed in this application, 886 dwellings (or 75%) are on brownfield land. Given that the site has been the subject of a strategic allocation, it is reasonable to conclude that the site should be regarded as a sustainable location. This first part of Policy BSC2 is therefore achieved.
- 7.17 With regard to the second part of encouraging at least 30 dwellings per hectare (dph) net density, overall the gross residential areas proposed amount to 33.86ha. This results in a gross residential density of 34.7 dwellings per hectare, materially in excess of the minimum 30 dph net density area. The net density figure is difficult to calculate at the present time given the outline nature of the proposals, but will be in all likelihood be even higher than the gross density after areas of landscaping, play areas and higher order roads have been discounted from the land area as is in the case when calculating net density.
- 7.18 It is also worthy of note that where some of the proposed greenfield parcels may yield gross residential densities slightly lower than 30dph in specific cases, the Council when approving the greenfield Pye Homes planning application in October 2017 stated:

**"8.19 It is noted we have objections to the development on grounds of density but what is proposed complies with the CLP where the Council sets out its approach to housing to reflect local circumstances (para 47, NPPF). Taking the site area as a whole the density is about 30 dwellings per hectare. To reduce density would be tantamount to being an under-development. It could have been higher but the sites includes a disproportionate amount of highway within the red line application site and retains strong green corridors to the east and along the main access road, and a large area of open space at the heart of the site. Furthermore, special**

**attention has to be paid to 'the desirability of new development making a positive contribution to local character and distinctiveness' in historic environments (NPPF para 131). In this case, the proposed development is reflecting the character in this location, at a reasonable density and avoiding harm. It is therefore, in this case, compliant with the NPPF and the design and conservation policies and of the Council and with policy BSC2."**

- 7.19 The Pye Homes application was deemed, in the case of a greenfield site outside but bordering the Upper Heyford Conservation Area and within the **Policy Villages 5** allocation, to be acceptable by the Council in terms of a gross density of 24.7dph (79 dwellings over a stated application site area of 3.2ha)<sup>7</sup>.
- 7.20 **Policy BSC 3: Affordable Housing** requires that all qualifying developments will be expected to provide 70% of the affordable housing as affordable/social rented dwellings and 30% as other forms of intermediate affordable homes. Whilst 35% affordable housing is stated as normally being sought outside of Banbury and Bicester, as noted previously, in the case of the Former RAF Upper Heyford, **Policy Villages 5** specifically states that at least 30% affordable housing will be required. Both of these requirements are to be met through proposed obligations in the S106 agreement and with a proposed mix as set out in Section 4 of this Statement.
- 7.21 **Policy BSC 4: Housing Mix** states that the Council will not only aim to increase the supply of housing but to encourage a mix that can help improve the functioning of the housing market system, make it more fluid, and enable households to more easily find and move to housing which they can afford and which better suits their circumstances.
- 7.22 Whilst a specific mix is proposed as part of the Affordable Housing delivery as noted previously, the mix of dwellings assumed in the Oxfordshire Strategic Housing Assessment 2014 reproduced in the explanatory text to Policy BSC 4 is only effectively a starting point and that, when considering individual development sites, the individual mix for a specific development site should reflect *'the nature of the development site and character of the area, and the up-to-date evidence of need as well as the existing mix and turnover of properties at the local level'*.

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<sup>7</sup> For comparison, the Proposed Development assumes Parcel 15 may be brought forward at an equivalent 26 gross dph, Parcel 16 at a higher 29 gross dph, and Parcel 17 at a gross 28dph. Again, the net densities achieved are likely to be higher. Parcel 13 is a special case given its linear relationship to the officer housing within the Conservation Area and these 6 dwellings are at a gross density of 13 dph.

- 7.23 Given that the Proposed Development is an outline planning application and that its build out is expected to take potentially around 10 years up to 2028 depending upon market conditions, it is regarded as premature to seek to fix a specific housing mix with regard to the open market homes. This mix would be better determined at reserved matter stages when applications are brought forward for detailed consideration.
- 7.24 In addition, **Policy BSC 4** sets an expectation that larger housing sites of at least 400 dwellings will be expected to provide a minimum of 45 self-contained extra care dwellings. This level of provision is justified in the explanatory text by reason of making support and care facilities operationally viable.
- 7.25 The Proposed Development has made provision for 60 extra care dwellings on Parcel 19, located so as to be close to the amenities and facilities of the Heyford Park centre and with level and good pedestrian access to the heart of the scheme, the proposed new medical centre, but also to the proposed large Destination Park on the Flying Field. In order to provide flexibility of care and use, a mixed use of Class C2/C3 is applied for, allowing for a range of levels and types of care to be provided.
- 7.26 **Policy BSC4** is therefore met by virtue of a mix of affordable housing being proposed and to be secured via S106 obligations, a mix of open market housing (which will be agreed at reserved matter stage but the variety of residential opportunities and scales is shown in the accompanying Design and Access Statement across the development), and the provision of 45 extra care dwellings in use Class C2/C3.
- 7.27 With regard to the spatial distribution of the residential parcels across the Proposed Development, as the Design and Access Statement demonstrates, it has been held by independent masterplanning consultants who were jointly appointed by Cherwell District Council and Dorchester that the provision of the 1,600 dwellings would of necessity have to extend beyond the 'Areas with potential for additional development identified under Policy Villages 5' as shown on the Local Plan Inset Map. This a matter that is returned to under heritage considerations.
- 7.28 Overall, having regard to the above policies, the housing components of the Proposed Development derive **support** from their compliance with the Development Plan in particular in respect of **Policy Villages 5, Policy BSC 1, Policy BSC 2, Policy BSC 3 and Policy BSC 4.**



## Employment

- 7.29 With regard to employment considerations specifically, **Policy Villages 5** has several specific requirements.
- 7.30 The first is that the number of jobs to be delivered should be approximately 1,500. This consideration has been addressed above under the 'Principle and Quantum of Development' and shown that this is capable of being achieved.
- 7.31 The second is that the employment land area should be approximately 12ha (or 120,000 sq,m). Again, this consideration has been addressed above under the 'Principle and Quantum of Development' and shown that whilst the area of gross employment land proposed in Creative City and the employment parcel to the south is potentially higher at 13.5ha, given the design approach to retain and re-use existing heritage assets in the form of the 7 Hardened Aircraft Shelters, and the design objective of maintaining the layout by retaining the large central area of hardstanding, a less efficient layout has resulted than would otherwise have been the case (the net area will be nearer to 10.7ha). It is therefore appropriate that the gross employment area has increased in a positive response to securing a long term future for these heritage assets.
- 7.32 Third, Policy Villages 5 further notes that employment should be in Use Classes B1, B2 and B8. This mix of Class B employment uses has been strongly reflected in the Proposed Development through a mix of changes of use of existing buildings together with up to 35,175m<sup>2</sup> of new build employment in the proposed Creative City area. In addition, given the site's attractiveness as a film set location, the potential for outdoor filming has been recognised and is proposed in areas of principal filming interest centred on the QRA to the west (Parcel 27 west) and the Northern Bomb Stores to the east (Parcel 27 east). In addition, areas of hardstanding to the east of the Application Site have been shown as having potential for outdoor filming activities. Taken together, this represents a positive response to ensuring a mix of employment opportunities and the ability to generate an exciting 'Creative City' which will bring together various creative industries in a cohesive and secure environment.
- 7.33 Fourth, Policy Villages 5 indicates that any additional employment opportunities should be accommodated primarily within existing buildings within the overall site where appropriate. This policy requirement has been achieved by limited reuse of seven buildings on the Flying Field for proposed Class B8 use, including the

four Hardened Aircraft Shelters in the North West corner and three other structures (Parcel 26).

7.34 Parcel 37 proposes the change of use of Building 357 for B1 use; and Building 370 (a former squadron headquarters building near to the Creative City area) which lies within Parcel 21 is also proposed for Class B1 use.

7.35 The Proposed Development will assist in delivering the objectives of **Policy SLE 1** in seeking to locate housing and employment in close proximity and to deliver an increase in the amount of employment land in the District.

7.36 The accompanying Environmental Statement (ES) addresses the potential effects of the Proposed Development with regard to socio-economic considerations (ES Chapter 5). It concludes that there will be:

- **Major beneficial effects** with the generation of jobs within the construction sector during the construction phase and beyond, with an estimated construction cost of £240m as an absolute minimum, and supporting over 200 jobs directly over the 8 year construction period, with a further 142 indirect jobs and 81 induced jobs;
- **Major beneficial effects** arising from the generation of between 1,244 and 1,728 jobs in the operation phase arising from the Proposed Development, although this is slightly to be significantly greater when filming is in progress. These would additional jobs to the 1,148 jobs which are estimated to be on site at the present time.

7.37 Attached to this Statement at **Appendix 2** is an **Economic Benefits Report** prepared by Pegasus Group. The main findings from this analysis can be summarised as follows:

- **Direct construction-related employment:** The proposed development could support around 518 temporary jobs per annum during the 9-year build timeframe, on-site and in the wider supply chain.
- **Permanent employment:** Overall, once it is built and fully occupied, the proposed development will support around 1,450 full-time equivalent (FTE) jobs on site.

- **Contribution to economic output:** The overall contribution to economic output (gross value added) is estimated to be around £92.9 million per annum once the additional floorspace is built, or £800 million over the next ten years (present value).
- **Growing labour force:** Around 1,619 economically active and employed residents are estimated to live in the new dwellings once the site is fully built and occupied. If residents show a similar employment profile to the existing working age population of Cherwell, over 50% could be working in higher value occupations.
- **Household spend:** Once fully built and occupied, the households are estimated to generate expenditure in the region of £38.6 million per annum.
- **Increased Council Tax income:** The construction of the new homes could generate around £2.0 million per annum in additional Council Tax revenue.
- **New Homes Bonus revenue:** The proposed development also has the potential to generate in the region of £6.0 million in New Homes Bonus revenue for Cherwell District Council and £1.5 million for Oxfordshire County Council.

7.38 In addition to the quantitative analysis, the scheme can make a significant contribution towards achieving economic development objectives:

- At the **District Council level**, Cherwell District Council aim to make the district a prosperous place, where all residents can enjoy a good quality of life. To achieve this, they aim to focus on areas such as: transport, education, sustainability, housing and employment.
- At the **Local Enterprise Partnership level**, The Oxfordshire LEP want to make the area a vibrant, sustainable, inclusive, world-leading economy, through innovation, enterprise and research. The South East Midlands LEP aims to build on its reputation as a premier location for growth, innovation, creativity and world-leading technologies.

- At the **national level** the UK government want to drive economic growth, creating an economy that boosts productivity and earning power throughout the UK.

7.39 These are significant material considerations which weigh heavily in favour of the Proposed Development, which derive Development Plan **support** from **Policy Villages 5** and **Policy SLE1**.

### **Cultural Heritage**

7.40 One of the core principles underpinning the Proposed Development is the objective of improving access to the heritage assets present at Heyford Park. These proposals are set out in the accompanying Heritage Vision document.

7.41 The accompanying Environmental Statement (ES) addresses the potential effects of the Proposed Development with regard to both archaeological and cultural heritage (**ES Chapter 9**). The ES satisfies the requirements of **NPPF Paragraph 128** and **Policy ESD 15** in providing an assessment of both the significance of the heritage assets on the Application Site and their setting together with an evaluation of the impact of the proposal on the identified assets.

7.42 In establishing the baseline conditions for the consideration of Archaeology and Cultural Heritage, **ES Chapter 9** identifies the diverse range of heritage assets within the Application Site and the wider area with the key designated heritage assets being:

- RAF Upper Heyford Conservation Area;
- Scheduled Monuments within the former RAF Upper Heyford:
  - The Hardened Telephone Exchange;
  - The Battle Command Centre;
  - The Quick Reaction Alert Area (QRAA);
  - The Northern Bomb Store and Special Weapons Area; and
  - The Avionics Maintenance Facility.
- Grade II Listed Structures within the Former RAF Upper Heyford:

- Three Nose Docking Sheds;
- Squadron Headquarters Building 234; and
- Control Tower Building 340.
- Registered Parks and Gardens outside of Former RAF Upper Heyford:
  - Middleton Park (Grade II) (c.900m south of the Application Site); and
  - Rousham House with landscaped gardens (Grade I) (c.2km to the south west of the Application Site).
- Rousham Conservation Area (which overlies the Sports Park proposals on the most westerly part of the Application Site).

7.43 The Archaeological and Cultural Heritage Assessment contained in **ES Chapter 9**, provides a proportionate level of detail to enable the significance of the heritage assets affected by the Development Proposals to be comprehensively assessed in line with the requirements of **NPPF paragraph 128**.

7.44 The Assessment concludes that when coupled with the proposed mitigation, the effect of the Proposed Development (during construction and operation) upon the Character Areas, Listed Buildings and Scheduled Monuments within the former RAF Upper Heyford Conservation Area would be a slight to moderate adverse. The effect of the Proposed Development, following mitigation upon the Rousham Landscape and Conservation Area (during operation) is considered to be slight or at most moderate adverse.

7.45 These levels of adverse effects fall well below the threshold of substantial harm outlined in **NPPF paragraphs 132 and 133**<sup>8</sup>.

7.46 With regard to heritage matters specifically in **Policy Villages 5**, the first design and place shaping principle requires that proposals must demonstrate the conservation of heritage resources across the whole of the site as identified as Policy Villages 5. The proposed development continues a process of change for the site, which will involve some loss and changes of setting for significant parts of the heritage. Although many of the effects will be mitigated to a lower degree of significance, there will be an overall slight to moderate adverse effect for the

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<sup>8</sup> The consideration of the NPPF paragraph 134 less than substantial harm test is undertaken in detail later in this Planning Statement in Section 8

Conservation Area as a result of the amount of change to designated heritage assets. This can nevertheless be balanced against the significant beneficial effect of increased public access to the site and to information about its history and significance, and the results of the process of investigation and record being brought into the public domain.

- 7.47 The second design and place shaping principle seeks to focus new development to the south of the flying field and on limited greenfield land to the south and one area to the north of Camp Road, in order to avoid development on the most historically sensitive parts of the site. This principle has been respected in preparing the masterplan for the Proposed Development, with residential development largely focussed on greenfield land and, where it is necessary for new employment and residential development to be located on brownfield land, they have been situated so as to avoid significant impacts to the most historically sensitive parts of the site.
- 7.48 The third design and place shaping principle states that the areas proposed for development adjacent to the flying field will need special consideration to respect the historic significance and character of the taxiway and entrance to the flying field, with development kept back from the northern edge of the indicative development area. There has been dialogue with by Cherwell District Council and Historic England in order to establish the most appropriate areas for development, and then the appropriate design response for the more sensitive parcels located adjacent to the southern taxiway. Given that the planning application is in outline with all matters reserved for the new development parcels consisting of new built development, discussions have been held with these stakeholders over securing an appropriate design response and the applicant is content to agree to either a Grampian planning condition or a specific planning obligation to adhere to specific design principles or a specific approach towards evolving an acceptable design for these more sensitive parcels (in particular parcels 12, 21, 22 and 23). Further details of the proposed design response are set out in the accompanying Design and Access Statement.
- 7.49 The fourth design and place shaping principle states, inter alia, that the release of allocated greenfield land will not be allowed to compromise the necessary environmental improvements and conservation of heritage interest of the wider site. This principle has been adhered to, as is demonstrated in the accompanying Design and Access Statement. Further, it is proposed that all landowners make a

reasonable and proportionate contribution towards the package of heritage interpretation measures as set out in the S106 Heads of Terms earlier in this Planning Statement.

- 7.50 The 15<sup>th</sup> design and place shaping principle seeks the preservation of the stark functional character and appearance of the flying field beyond the settlement area, including the retention of buildings of national interest which contribute to the area's character (with limited, fully justified exceptions) and sufficient low key use of these to enable appropriate management of this area. The vast majority of the former flying field will be maintained in its current state, with selective low key use of buildings many of which already have the benefit of planning permission for re-use. As noted in the Environmental Statement heritage assessment in Chapter 9, all buildings of national interest are being retained. Further, as the ES Landscape and Visual impact assessment notes in Chapter 7, the intervisibility and interrelationship between the most sensitive Cold War receptors within the Application Site would be maintained with the Proposed Development in place.
- 7.51 The 16<sup>th</sup> design and place shaping principle seeks to achieve environmental improvements within the site and of views to it including removal of buildings or structures that do not make a positive contribution to the special character or which are justified on the grounds of adverse visual impact, including in proximity to the proposed settlement. The principal environmental improvement delivered by the Proposed Development will be allowing public access into the heart of the site adjacent to the main runway with enhanced visitor facilities in the Core Visitor Destination area. The Proposed Development has proposed a number of demolitions of modest structures within some the development parcels to facilitate new development<sup>9</sup>, but more generally the decision has been made to work with the existing heritage assets as far as possible and to re-use existing buildings. A good example of this approach is in the Creative City Parcel 22 where the existing Hardened Aircraft shelters are to be reused and, where new build additions are proposed, these are sited so as to maintain the original pattern and open central hardstanding area<sup>10</sup>.
- 7.52 The 19<sup>th</sup> design and place shaping principle requires visitor access, controlled where necessary to the historic and ecological assets of the site, including

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<sup>9</sup> See Schedule 1 which lists the various structures proposed to be demolished.

<sup>10</sup> See Design and Access Statement, page 90

providing for interpretation. As noted above, the Proposed Development proposes controlled visitor access and a new Core Visitor Destination Area to the north of the southern taxiway reusing existing buildings and structures. Further details are set out in the accompanying Heritage Vision statement.

- 7.53 The 23<sup>rd</sup> and 24<sup>th</sup> design and place shaping principles state that new development should reflect high quality design that responds to the established character of the distinct character areas where this would preserve or enhance the appearance of the various Conservation Areas in the locality of the application site. Again, as noted previously, the accompanying Design and Access Statement sets out a design approach comprising of a character area approach towards the new development parcels, and the applicant is content to commit to working with Cherwell District Council and Historic England to secure an appropriate design response especially to the more sensitive new build parcels along the southern taxiway.
- 7.54 The 26<sup>th</sup> design and place shaping principle notes that the management of the flying field should preserve the Cold War character of this part of the site, and allow for public access. It also states that new built development on the flying field will be resisted to preserve the character of the area. This principle repeats the desire for preserving the Cold War character of the flying field and to allow for public access. As noted previously, the most significant parts of the flying field have been preserved and the intervisibility and interrelationship between the most sensitive Cold War receptors would be maintained with the Proposed Development in place.
- 7.55 However, the final element of this 26<sup>th</sup> design and place making principle is not, and was not, capable of being achieved. The Areas with Development Potential proposed by the Council in the adopted Local Plan Inset Map included two specific locations (Parcel 10 and Parcel 12) which demonstrably must have involved some 'new build development on the flying field' (assuming that the wording of this particular design and place making principle was to have meant the 'flying field' as previously defined in the previous 2010 lead appeal). If that assumption on definition of the 'flying field' and interpretation was the case, then the policy would be rendered internally inconsistent and incoherent in this limited regard. A more reasonable interpretation of this policy must therefore be that the 'flying field' was to be redefined to the effect that it would be that part of Policy Villages 5 lying outside of the new settlement area as however delineated in response to



this policy. It is therefore open for the 'flying field' to be redefined to be that part of the site outside of the new settlement.

- 7.56 Applying this interpretation to considering new built development on the flying field, the only new built structure that is proposed on the refined and redefined 'flying field' would be the observation tower of up to 30m height to the south of the main runway. The ES heritage assessment has considered the impact of the observation tower on the character and appearance of those parts of the Former RAF Upper Heyford Conservation Area and concludes that this would result in a slight adverse impact during construction and a moderate/slight beneficial impact during operation given the provision of a new aerial vantage point to appreciate the Cold War landscape.
- 7.57 With regard to heritage specifically, the 27<sup>th</sup> design and place shaping principle requires that a Heritage Impact Assessment should be undertaken as part of development proposals and inform the design principles for the site. Such an approach has been undertaken by the applicant involving liaison and consultation with Cherwell District Council and Historic England. A full heritage impact assessment is included within the accompanying Environmental Assessment at Chapter 9.
- 7.58 The 29<sup>th</sup> design and place shaping principle requires that proposals should provide for a heritage centre give the historic interest and Cold War associations of the site. A new heritage centre is included within the Proposed Development as part of the Core Visitor Destination Area in Parcel 29. Further details of the enhanced heritage and tourism vision are set out in the accompanying Heritage Vision Statement.
- 7.59 The 41<sup>st</sup> design and place shaping principle states that an archaeological field evaluation to assess the impact of development on archaeological features will be required. A review of archaeological field evaluation on the site is contained within the accompanying Environmental Statement within Chapter 9.
- 7.60 In this manner, it has also been demonstrated that the Development Proposals will comply with the fifth bullet point of **Local Plan Policy ESD 15** which requires new development proposals to:

**"Conserve, sustain and enhance designated and non-designated 'heritage assets (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings and ensure new development is**

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**sensitively sited and integrated in accordance with  
advice in the NPPF and NPPG.”**

- 7.61 A consideration of the potential impact of light pollution on the Rousham Conservation Area has been undertaken in the Environmental Statement at Chapter 9 where it is concluded that the potential effect of light pollution could be potentially be moderate adverse, but is more likely to be slight. Given this assessed effect, compliance with **saved Local Plan Policy C11** on Rousham Park needs to be considered whereby new buildings and structure will be strictly controlled to ensure that they are not visually prominent from the Park, and that the visual integrity of the Park has been given careful consideration where there is a change of use of agricultural land. The level of effect is slight adverse or possibly moderate at night-time, but would not be such that the resulting effect would either be visually prominent nor will materially harm the visual integrity of the Park. To the extent that there is harm, this should be weighed in the overall planning balance.
- 7.62 The preservation and safeguarding of the remaining heritage assets according with the requirements of **saved Local Plan Policies C23 and C25** has been considered under Policy Villages 5 above.

**Landscape and Visual Amenity**

- 7.63 **ES Chapter 7** provides a comprehensive assessment of the Landscape and Visual Amenity implications of the proposal and responds to the policy requirements set out in **Local Plan Policies ESD 13, BSC 10** and the key principles outlined in **Policy Villages 5** together with **saved Local Plan Policies C11 and C28** and the guidance in **NPPF Core Principles**.
- 7.64 With regard to landscape and visual amenity, **Policy Villages 5** requires in the first design and place shaping principle that proposals must demonstrate the conservation of landscape.
- 7.65 The application is accompanied by a comprehensive ES which considers potential effects of the Proposed Development on ecology and nature conservation in Chapter 8.
- 7.66 The seventh design and place shaping principle requires the retention and enhancement of existing Public Rights of Way, and the provision of links from the development to the wider Public Rights of Way network, including the

reinstatement of the historic Portway route across the western end of the of the extended former main runway as a public right of way on its original alignment.

- 7.67 This requirement for an enhanced Public Rights of Way network is shown to be delivered in the Proposed Development by virtue of, amongst other matters, the reopening of the Aves Ditch route and the formation of new routes throughout the Proposed Development (the Portway route is already planned to be reopened under existing obligations which are in the process of being implemented during 2018). The accompanying Design and Access Statement in Section 4 demonstrates how the provision of footpaths, cycleways and bridleways and developing an integrated network has been an integral part of designing the infrastructure for the site.
- 7.68 The 22<sup>nd</sup> design and place shaping principle states that a full arboriculture survey should be undertaken to inform the masterplan, incorporating as many trees as possible and reinforcing the planting structure where required.
- 7.69 The planning application is accompanied by a full arboricultural survey in Appendix 3.1 of the ES. In addition, as is explained in the accompanying Green Infrastructure Strategy, additional planting has been proposed in suitable strategic locations to reinforce the planting structure in a manner which is sympathetic and respects the overall character and appearance of the flying field and the Conservation Area designation.
- 7.70 Further, the Landscape and Visual Impact Assessment Chapter 7 of the ES notes that the Proposed Development would help to fulfil some of the Landscape Strategy guidelines sets out within the Oxfordshire Wildlife and Landscape Strategy, insofar as it would contribute to the objective 'establish tree belts around airfields' and notably 'maintain the sparsely settled rural character of the landscape by concentrating new development in and around existing settlements'.
- 7.71 The 25<sup>th</sup> design and place shaping principle states that development on greenfield land within Policy Villages 5 should provide for a well-designed, 'soft' approach to the urban edge with appropriate boundary treatments. This approach has been fully incorporated into relevant greenfield parcels across the Proposed Development which include the provision of landscape frameworks and a lower density of residential development on the relevant housing parcels. Proposed planting, in accordance with the Green Infrastructure Strategy would help to

integrate the Proposed Development with the existing landscape framework, fulfilling Landscape Strategy guidelines published by Oxfordshire County Council.

- 7.72 The 35<sup>th</sup> design and place shaping principle requires that public open space should be provided to form a well connected network of green areas, suitable for formal and informal recreation; whilst the 36<sup>th</sup> design and place shaping principle seeks the provision of Green Infrastructure links to the wider development area and open countryside. The accompanying Green Infrastructure Strategy develops an approach which fully accords with these 35<sup>th</sup> and 36<sup>th</sup> design and place shaping principles and demonstrates how this Green Infrastructure approach can be delivered by the Proposed Development.
- 7.73 With regard to **Policy ESD 13: Local Landscape Protection and Enhancement**, the policy seeks opportunities to secure the enhancement of the character and appearance of the landscape through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate, the creation of new ones, including the planting of woodland, trees and hedgerows. It has been demonstrated in the accompanying Green Infrastructure Strategy and also the Environmental Statement Chapter 7 that the Proposed Development will provide opportunities to enhance the character and appearance of the landscape, including significant opportunities to plant new trees and hedgerows as appropriate whilst working with and integrating with the existing landscape framework evident at the site.
- 7.74 Policy ESD 13 also requires in the second paragraph that development respects and enhances the local landscape character. It has been demonstrated in the accompanying Environmental Statement Chapter 7 that the Proposed Development is appropriate to the character of the local landscape of the site and offers suitable landscape mitigation in terms of visual and landscape amenity.
- 7.75 Finally, Policy ESD 13 states that development proposals should have regard to the Councils' Countryside Design Summary Supplementary Planning Guidance, and the Oxfordshire Wildlife and Landscape Study, and be accompanied by a landscape assessment where appropriate. Again, as has been previously noted, the application is accompanied by a full Landscape and Visual Impact Assessment in the accompanying ES, and the aforementioned guidance has helped to inform the accompanying Green Infrastructure Strategy.

- 7.76 **Policy BSC 10: Open Space, Outdoor Sport and Recreation Provision** encourages sufficient quantity and quality of, and convenient access to open space, sport and recreation provision through, inter alia, ensuring that proposals for new development contribute to open space, sport and recreation provision commensurate to the need generated by the proposals.
- 7.77 The accompanying Green Infrastructure Strategy, and also the Design and Access Statement, demonstrate how the Proposed Development will deliver the required standards of open space, sport and recreation provision in an appropriate and readily accessible manner.
- 7.78 **Policy BSC 11: Local Standards of Provision – Outdoor Recreation** and **Policy BSC 12: Indoor Sport, Recreation and Community Facilities** both set out guidance and thresholds for the provision of varying facilities. The accompanying Design and Access Statement, and Green Infrastructure Strategy sets out the suggested provision that will be made as part of a coherent and integrated approach across the Proposed Development in order to meet these policies' requirements.
- 7.79 In this manner the Development Proposals are fully in accordance with the landscape parameters set out in **Local Plan Policy ESD 13**, the **Key site specific and place shaping principles 1, 7, 22, 25, 35 and 36 of Policy Villages 5**, as well as the recreation objectives contained in **Local Plan Policy BSC 10, BSC 11** and **BSC 12**.

#### **Ecology and Biodiversity**

- 7.80 With regard to ecology and biodiversity interests, **Policy Villages 5** requires in the first design and place shaping principle that proposals must demonstrate enhancement of biodiversity will be achieved across the whole of the site. This consideration is repeated in the 17<sup>th</sup> such principle where a net gain in biodiversity is again stated as being sought.
- 7.81 The application is accompanied by a comprehensive ES which considers potential effects of the Proposed Development on ecology and nature conservation in Chapter 8.
- 7.82 Whilst a number of adverse effects of significance at a site level in the absence of mitigation have been identified in the ES (in respect of certain grassland habitats,

reptiles, great crested newts, and breeding birds<sup>11</sup>), a number of mitigation and enhancement to compensate for these adverse effects have been proposed as part of the Proposed Development.

7.83 Specifically, the ES sets out in Section 8.6 further mitigation and enhancement for these otherwise adverse effects, which encompasses measures to avoid, minimise or compensate for residual impacts of the proposed development on top of design mitigation. These include:

- The creation of up to 30.82 ha of good condition unimproved calcareous grassland within 10 years on land which currently supports arable land located adjacent to the western edge of the Application Site, which would more than compensate for the loss of this habitat type (10.97ha) from the Application Site itself;
- Maintaining the habitat in the Destination Park (Parcel 28) by monitoring by an experienced ecologist to undertake botanical surveys and condition assessment, reported annually to the LPA, identifying any corrective action(s) needed.
- Creation of a permanent cat proof fence along the northern edges of Parcels 30 and 28, and northern and eastern edge of Parcel 23, continuing along the southern edge of Parcel 24, such that the risk of predation by domestic cats on reptiles, great crested newts and breeding birds north of Parcel 28 is unlikely to materially increase.
- to mitigate for potential effects of disturbance on breeding curlew from the proposed use of Parcel 27, a LEMP will set out prescriptions which will dictate the types of activities to be avoided and periods when no activity on the filming area will be allowed.

7.84 More detail is set out in the ES with regard to each of these proposed mitigation measures.

7.85 Overall, the change in biodiversity value has been calculated through the Biodiversity Impact Assessment Calculator as is explained in the ES Chapter 8. Including the mitigation proposals will result in a final Habitat Biodiversity Impact Score of +20.45, which indicates that the Proposed Development will deliver a

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<sup>11</sup> See Table 8.2 of the ES Chapter 8 which sets out a summary of the significance of the effects in the absence of mitigation.

net gain in biodiversity<sup>12</sup>. The requirements within **Policy Villages 5** for a net gain in biodiversity will therefore be achieved.

7.86 The **Policy Villages 5** 17<sup>th</sup> design and placemaking principle also requires appropriate management and the submission of an Ecological Mitigation and Management Plan. As is explained in ES Chapter 8 on Ecology, a LEMP is to be submitted and agreed by the Council and this submission and agreement by the LPA can be secured by way of a planning condition. The Proposed Development will therefore comply with this requirement.

7.87 The **Policy Villages 5** 18<sup>th</sup> design and placemaking principle requires that development should preserve and enhance the Local Wildlife Site, including the new extension to the south. As the ES Chapter 8 notes, there would be a reduction in the extent of the Local Wildlife Site, however the grassland habitat lost will be compensated for by the creation of 30.82ha of unimproved calcareous grassland habitat with good connectivity to existing grassland habitat within the Application Site. As such, and as already noted, there will be an overall net gain in biodiversity as a result of the Proposed Development.

7.88 With regard to **Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment**, a further 12 criteria are stipulated. Taking each in turn:

- A net gain in biodiversity will be achieved as noted above;
- The number of trees will be significantly increased due to the Proposed Development establishing a number of strategic buffers in appropriate locations, these are detailed in the accompanying Green Infrastructure Strategy;
- Soils will be reused as appropriate on the site as part of the Proposed Development. This is matter that can be the subject of a planning condition;
- The adverse impact on biodiversity has been adequately mitigated and compensated for, such that there has been an increase in net biodiversity;
- There is no damage or loss to a site of international value;

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<sup>12</sup> See ES Chapter 8, Section 8.9

- There is no damage or loss to a site of national importance in terms of biodiversity or geological value;
- Whilst there would be some damage to a site of biodiversity value of regional or local significance, the case can be made that the benefits arising from the Proposed Development would clearly outweigh the harm it would cause to the site (principally by virtue of the delivery of a strategic housing and employment allocation) and the loss can be mitigated so as to achieve a net gain in biodiversity. This policy test is therefore capable of being met, although this does involve a balanced planning judgement, and is one that is returned to in the concluding section of this Statement;
- The Proposed Development does include features to encourage biodiversity, including the retention of significant areas of nature conservation value, retention and enhancement of ecological corridors as an integral component of the wider Green Infrastructure provision as evidenced in the accompanying Green Infrastructure Strategy;
- A comprehensive set of ecological and habitat surveys accompanies the planning application, as evidenced in the baseline assessment work undertaken as part of the accompanying ES;
- An air quality assessment has been undertaken as part of the accompanying ES;
- The applicant is content to have appropriate planning conditions/obligations imposed to secure a net gain in biodiversity; and
- The requirement for monitoring and a management plan is noted and agreed so as to ensure the suitable long term management of the site.

7.89 Therefore, the various requirements of **Policy ESD 10** are either met or are capable of being met by the Proposed Development.

7.90 With regard to **Policy ESD 11: Conservation Target Areas**, this applies to where development is proposed within or adjacent to a Conservation Target Area. As noted in the ES Chapter 8, this is not the case in respect of the Application Site, albeit there are two designated Conservation Target Areas within 2km of the site. Nevertheless, the objectives behind this Policy will not be harmed by the Proposed Development.



- 7.91 **Policy ESD 17: Green Infrastructure** identifies measures to maintain and support the District's Green Infrastructure network. As is demonstrated in the accompanying Green Infrastructure Strategy, careful consideration has been given to developing a green infrastructure network which is integral to the planning of the new development. Opportunities have been taken to maintain and extend green infrastructure links to form a multi-functional network of open space, providing opportunities for walking and cycling and connecting to the wider countryside beyond.
- 7.92 Sites of importance for nature conservation have been protected as far as possible in the Proposed Development and, where unavoidable harm has been identified, a range of mitigation and compensation measures have been identified that will result in a net gain in biodiversity.
- 7.93 The Proposed Development therefore gains **support** from **Policy ESD 17**.

#### **Social and Community**

- 7.94 With regard to social and community considerations, **Policy Villages 5** through the 29<sup>th</sup> Design and Place Making Principle requires that a neighbourhood centre or hub should be established at the heart of the settlement to comprise a community hall, place of worship, shops, public house, restaurant, and social and health care facilities<sup>13</sup>.
- 7.95 The Proposed Development responds in a positive manner to address the need for social and community facilities in the following manner:
- The existing consented Village Centre South scheme (which comprises of a hotel, restaurant/bar and a market hall link) and the submitted reserved matters approval for Village Centre North (comprising of retail units and a foodstore with residential apartments above, and use of Building 100 for B1 purposes) is being complemented by the provision of a further mixed use area comprising as mix of A1-A5, D1 and D2 uses on Parcel 38. This includes provision of up to 925 sq.m of community buildings (Class D2) located on Parcels 38 and also 34 adjacent to the proposed sports park;
  - The creation of a new medical centre up to 670 m<sup>2</sup> (Class D1) and new retail up to 929 m<sup>2</sup> (Class A1) on Parcel 20.

<sup>13</sup> This 29<sup>th</sup> Design and Place Making Principle also states that proposals should provide for a heritage centre given the historic interest and Cold War associations of the site; this matter has been considered previously under the Heritage considerations section of this Planning Statement

- 7.96 All the facilities listed in the 29<sup>th</sup> Design and Place Making Principle are therefore proposed to be met in the Proposed Development. Further details are contained in Section 4 of the accompanying Design and Access Statement and will be secured as appropriate through S106 obligations as summarised in Section 5 of this Statement.
- 7.97 **Policy Villages 5** also requires that education facilities be provided, including provision of a 2.2 ha site for a new 1.5 form of entry primary school with potential for future expansion. This requirement is proposed to be located on Parcel 31 and involves an exciting and innovative design response to working with the heritage assets present on this part of the site, but retaining the aircraft shelters and creating educational 'pods' inside. The design approach which has been suggested is included at **Appendix 3**. However, in the event that this school proposal is not acceptable to the Regional Schools Commissioner, then a fall-back position of making a site available with contributions to Oxfordshire County Council will be included within the S106 agreement.
- 7.98 Secondary school provision will be enhanced by extensions to the existing Free School sites as noted in the Planning Obligations Heads of Terms set out in Section 5 of this Statement. The Proposed Development includes provision for up to 2,520 m<sup>2</sup> of additional facilities on the two current Free School sites (Parcel 32 west and east).

### **Transport and Access**

- 7.99 Matters of Transport and Access are considered by way of the Transport Assessment contained in **ES Chapter 6**.
- 7.100 With regard to **Policy Villages 5**, there are eight Design and Place Making Principles that particularly relate to transport and access matters.
- 7.101 The 5<sup>th</sup> Design and Place Making Principle states that '*The settlement should be designed to encourage walking, cycling and the use of public transport, with the provision of footpaths and cycleways that link to existing networks*'. The accompanying Design and Access Statement in Section 4 demonstrates how the provision of footpaths, cycleways and bridleways and developing an integrated network has been an integral part of the infrastructure for the site. Provision for public transport has also been designed from the outset in discussion with Oxfordshire County Council to design routes suitable for bus services with run through the development.

7.102 The 6<sup>th</sup> Design and Place Making Principle requires that development should include layouts that maximise the potential for walkable neighbourhoods with a legible hierarchy of routes. As noted above, the Design and Access Statement at Section 4 describes the development of a pedestrian network within the site, including proposals for a variety of walking routes and opportunities. These include the Upper Heyford Trail, comprising of a circular walk around the Flying Field perimeter and an off-road north-south linear pedestrian route from the existing Trident area direct to the Destination Park providing a safe and convenient route for pedestrians. New walking opportunities will be provided within the Destination Park itself. Furthermore, a number of measures are to be provided to provide good accessibility by foot and cycle across the development, including ensuring low traffic speeds within internal road layouts, sufficient 'overlooking' and surveillance of routes to provide a sense of safety and security for users, and appropriate signage and crossing points of roads through the development<sup>14</sup>.

7.103 The 7<sup>th</sup> Design and Place Making Principle seeks the retention and enhancement of existing Public Rights of Way, and the provision of links from the development to the wider Public Rights of Way network, and the reinstatement of the Portway route across the western end of the site. The Proposed Development Composite Parameter Plan includes reinstating the historic routes, Portway and also Aves Ditch, which will provide links from Camp Road to the circular Upper Heyford Trail.

7.104 The 8<sup>th</sup> Design and Place Making Principle requires that layouts should enable a high degree of integration with development areas with connectivity between new and existing communities. This will be achieved, for the reasons as already noted under the 6<sup>th</sup> Design and Place Making Principle.

7.105 The 9<sup>th</sup> Design and Place Making Principle requires that measures to minimise the impact of traffic generated by the development on the surrounding road network will be required through funding and/or physical works. The accompanying Transport Assessment and the ES Chapter 6 consider in considerable detail the likely effects of the increase in traffic on the surrounding road network. The overall effect of the Proposed Development on pedestrians and cyclists, including pedestrian amenity and delay is likely to be minor and beneficial as a result of the proposed improvements to walking and cycling infrastructure in the area. A

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<sup>14</sup> DAS, paragraphs 4.26 -4.34

package of highway improvements and travel planning has been identified and is being agreed with Oxfordshire County Council (OCC), Highways England (HE) and Cherwell District Council (CDC). These measures will mitigate the effects of traffic generated by the Proposed Development within the application site such that the effect on driver delay should not be significant.

7.106 Highway improvement measures on the wider network have been identified in technical consultation with Highways England and Oxfordshire County Council at the following key network junctions, together with traffic calming and management measures being considered in local villages at Upper Heyford, Lower Heyford, Ardley and Middleton Stony:

- M40 J10 (M40 southbound slip/A43): mitigation to be agreed
- Baynards Green roundabout (A43/B4100): mitigation to be agreed
- B4030 Ardley Road/Minor Road: proposed upgrade to signalised T-junction
- Middleton Stony (B430/B4030): mitigation to be agreed
- Hopcrofts Holt (A4260/B4030): proposed improvements to existing signalised crossroad layout

7.107 Further details of the transport modelling and mitigation package is set out in the accompanying Transport Assessment.

7.108 The 10<sup>th</sup> Design and Place Making Principle requires provision for good accessibility to public transport services and a plan for public transport provision. As explained in the **ES Transport and Access Chapter 6<sup>15</sup>**, a number of measures are proposed to enhance accessibility to public transport. These include:

- provision of new bus stops along Camp Road;
- splitting the existing 25A bus service into 2 new services (one between Heyford Park and Bicester via Bicester Village Station on up to a 15 minute frequency; and one between Heyford Park and Oxford via Oxford Parkway station on an hourly basis Mondays to Fridays) subject to the emerging Public Transport Strategy for Heyford Park;

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<sup>15</sup> ES Chapter 6, paragraphs 6.6.18 – 6.6.24

- a community minibus operated by the Applicant which would provide timetabled journeys to and from Lower Heyford rail station for commuters at peak times on Monday to Friday and would be available in the inter-peak period for local trips not covered by the main bus services on a demand responsive basis.

7.109 The public transport strategy will be subject to refinement as the development progresses and the public transport measures will be secured by way of S106 obligations.

7.110 The 12<sup>th</sup> Design and Place Making Principle states that a Travel Plan should accompany any development proposals. A full Residential Travel Plan and a full Commercial Travel Plan have been prepared and are submitted with the planning application as part of the accompanying Transport Assessment.

7.111 The 14<sup>th</sup> Design and Place Making Principle seeks the integration of the new community into the surrounding network of settlements by reopening historic routes and encouraging travel by means other than the private car as far as possible. These requirements will be met as have already been noted above, in that the Portway and Aves Ditch will be reopened as part of the Proposed Development, and there are improvements proposed to the walking, cycling and equestrian routes, as well as a package of public transport measures.

7.112 Turning to consider **Policy SLE 4: Improved Transport Connections**, as has already been noted above, the Proposed Development will make financial or in-kind contributions to mitigate the transport impacts of the development; and the development facilitates the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. It has been demonstrated in the Transport Assessment that, subject to a package of mitigation measures, the roads that serve the development will not experience a severe traffic impact.

7.113 The Development Proposals are therefore fully in accordance with the requirements of **NPPF paragraph 32** and relevant **site specific and place shaping principles 5, 6, 7, 8, 9, 10, 12 and 14 of Policy Villages 5**. They also accord with **Policy SLE 4**.

### **Flood Risk and Drainage**

- 7.114 With regard to flood risk and drainage, **Policy Villages 5** requires under the 37<sup>th</sup> Design and Place Making Principle that account should be taken of the Council's Flood Risk Assessment for the site.
- 7.115 The planning application is accompanied by a Flood Risk Assessment (FRA) (**see ES, Appendix 10.1**) with an assessment of the potential effects on surface and groundwater more generally also undertaken (**see ES, Chapter 10**).
- 7.116 The FRA confirms that the entirety of the Application Site is within Flood Zone 1 and at low/negligible risk of flooding from all assessed potential sources of flood risk.
- 7.117 The surface water drainage system to be installed as part of the Proposed Development will intercept and manage rainfall run-off and discharge surface water to the surrounding streams, at rates equivalent to a pre-development/undeveloped scenario. Accordingly, the effect of the construction and operation of the Proposed Development on surface water drainage was considered to be of 'negligible' significance in the ES.
- 7.118 Accordingly, the Proposed Development will be in accord with the relevant criteria contained in **Policy ESD 6: Sustainable Flood Risk Management** in that the planning application is accompanied by and the design informed by a site-specific FRA, that development represents appropriate development in the context of its nature and the existing flood risk (Flood Zone 1) and therefore would not give rise to flooding either within the Application Site or elsewhere.
- 7.119 The 38<sup>th</sup> Design and Place Making Principle requires the provision of sustainable drainage including SuDs. The inclusion of SuDS principles within the Proposed Development accords with **Policy ESD 7: Sustainable Drainage Systems (SuDs)**.
- 7.120 In addition, the Development Proposals are in further compliance with **Policy ESD 10** in that the proposed surface water drainage strategy includes a SuDS treatment mechanism to minimise the risk of pollution from surface waters affecting watercourses.

## **Sustainability and Energy**

7.121 With regard to specific sustainability and energy considerations, **Policy Villages 5** requires under the 39<sup>th</sup> Design and Place Making Principle seeks the demonstration of climate change mitigation and adaptation measures including exemplary compliance with the requirements of polices ESD 1-5.

7.122 A Sustainability and Energy Statement accompanies the planning application which considers how the Proposed Development will be designed to comply with national and local policies relating to environmental sustainability, energy use and efficiency and carbon dioxide emissions. The Sustainability & Energy Statement demonstrates how the proposed development aligns with the range of local sustainability objectives, including:

- Optimising energy demand where possible, through using the nationally recognised energy hierarchy principles, and through masterplan design principles such as orientation of buildings and incorporation of open spaces;
- Providing a proportion of the development's energy supply by potentially using low carbon and renewable energy sources that are feasible at the Site, such as Solar PV panels, solar water heating, or air source heat pumps;
- Making provision for an energy facility within the masterplan to facilitate future potential on site energy generation, subject to feasibility;
- Appropriate surface water management to protect the receiving waters from pollution and reduce the risk of flooding, including the use of permeable paving SuDS;
- Protecting local air quality and limiting noise and lighting pollution, by providing mitigation measures to minimise potential polluting effects across the construction and operational phases of the development;
- Appropriate management of construction and operational waste by managing material extraction, sustainable transport of materials, managing construction waste through a potential SWMP, and managing operational waste in line with CDC's waste collection requirements;

- Retaining, enhancing and creating new habitats to preserve the ecological setting of the Site, through several measures including the creation of up to 30 ha of grassland habitat to support a range of taxa such as reptiles, breeding birds (including skylark and potentially curlew), invertebrates, bats and other mammals;
- Reducing the consumption of natural resources and greenhouse gas emissions through sustainable energy, water and materials procurement strategies, as well as considerate construction practices; and
- Promoting sustainable travel modes (including walking, cycling and public transport) as an alternative to private car use and enhancing existing services, such as new bus services and shared footways/cycle ways to promote active travel.

7.123 In this manner the Development Proposals comply with **Policies ESD 1, ESD 2, ESD 3, ESD 4 and ESD 5** and the associated **Design and Place Shaping Principles 38 and 39 of Policy Villages 5**.

7.124 The 40<sup>th</sup> Design and Place Making Principle requires the investigation of the potential to utilise heat from the Ardley Energy Recovery facility. As is recorded in the accompanying Sustainability and Energy Statement<sup>16</sup>, a previous study in 2014 has investigated the potential to supply heat from Ardley EfW to the Upper Heyford site which showed that such a connection would not be financially viable and has not therefore been considered further. The **Policy Villages 5** requirement to assess the potential has therefore been fulfilled.

### **Summary**

7.125 The above analysis and consideration of compliance with policies of the Development Plan has identified compliance, save for limited conflict with heritage design and place making principles embedded within the 42 such principles set out in Policy Villages 5.

7.126 The following section of the Statement proceeds to consider an overall planning balance which should be applied in determining this planning application.

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<sup>16</sup> Sustainability and Energy Statement, paragraphs 4.3.2 - 4.3.3



## 8. THE OVERALL PLANNING BALANCE

8.1 This section of the Planning Statement explains how the decision maker should approach the determination of this application, before going on to identify the issues that need to be weighed in the overall planning balance.

### **The Decision Making Framework**

8.2 If it is demonstrated that the proposals accord with the Development Plan then they should be approved without delay, in accordance with the normal operation of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the 3<sup>rd</sup> bullet point of the NPPF paragraph 14.

8.3 Even if the decision maker concludes that there is some conflict with any part of the Development Plan, then consideration needs to be given as to whether the Development Plan is '*absent, silent or out-of-date*', in accordance with the 4<sup>th</sup> bullet point of NPPF paragraph 14. If this consideration is engaged, then the '*titled balance*' in paragraph 14 and the presumption in favour of sustainable development is engaged for reasons including amongst other things, the inherent conflict within Policy Villages 5 that the quantum of development proposed cannot be satisfactorily achieved within the potential areas identified for development within the same policy.

8.4 It is noted that there are restrictive policies applying for the purposes of NPPF footnote 9 (i.e. designated heritage assets), and it therefore appropriate at this stage to consider whether the proposed development accords with the NPPF provisions with regard to the historic environment.

### **Designated Heritage Assets and NPPF Paragraph 14 Footnote 9 Assessment**

8.5 The accompanying ES in Chapter 9 provides information with regard to the significance of the historic environment and fulfils the requirement given in NPPF paragraph 128 which requires the applicant "*to describe the significance of any heritage assets affected, including any contribution made by their setting*". As is also required by paragraph 128, the detail and assessment in the ES Chapter 9 is considered to be "*proportionate to the asset's importance*".

8.6 Assessment of any harm will be articulated in this Planning Statement in terms of the policy and law that the proposed development will be assessed against, such as whether a proposed development preserves or enhances the character or

appearance of a Conservation Area, and articulating the scale of any harm in order to inform a balanced judgement/weighting exercise as required by the NPPF.

8.7 In order to relate to key policy, the following levels of harm may potentially be identified:

- **Substantial harm or total loss.** It has been clarified in a High Court Judgement of 2013<sup>17</sup> that this would be harm that would “*have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced*”; and
- **Less than substantial harm.** Harm of a lesser level than that defined above.

8.8 It is also possible that development proposals will cause **no harm or preserve** the significance of heritage assets. A High Court Judgement of 2014 is relevant to this<sup>18</sup>. This concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, ‘preserving’ means doing ‘no harm’.

8.9 Preservation does not mean no change; it specifically means no harm. *GPA 2: Managing Significance* states that “*Change to heritage assets is inevitable but it is only harmful when significance is damaged*”. Thus, change is accepted in Historic England’s guidance as part of the evolution of the landscape and environment. It is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.

8.10 As part of this, setting may be a key consideration. For an evaluation of any harm to significance through changes to setting, this assessment follows the methodology given in *GPA 3: The Setting of Heritage Assets*, described above. Again, fundamental to the methodology set out in this document is stating ‘*what matters and why*’. Of particular relevance is the checklist given on page 13 of *GPA 3: The Setting of Heritage Assets*.

8.11 It should be noted that this document states that:

**“setting is not itself a heritage asset, nor a heritage designation”<sup>19</sup>**

<sup>17</sup> EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council

<sup>18</sup> EWHC 1895, R (Forge Field Society, Barraud and Rees) v. Sevenoaks DC, West Kent Housing Association and Viscount De L’Isle

<sup>19</sup> Historic England, 2017, *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets (paragraph 9)*

- 8.12 Hence any impacts are described in terms of how they affect the significance of a heritage asset, and heritage values that contribute to this significance, through changes to setting.
- 8.13 With regards to changes in setting, GPA 3: The Setting of Heritage Assets states that *"conserving or enhancing heritage assets by taking their settings into account need not prevent change"*.
- 8.14 Additionally, it is also important to note that, as clarified in the Court of Appeal<sup>20</sup>, whilst the statutory duty requires that special regard should be paid to the desirability of not harming the setting of a Listed Building, that cannot mean that any harm, however minor, would necessarily require planning permission to be refused.
- 8.15 Proposed development may also result in benefits to heritage assets, and these are articulated in terms of how they enhance the heritage values and hence significance of the assets concerned.
- 8.16 NPPF Paragraph 131 goes on to state that:

**"In determining planning applications, local planning authorities should take account of:**

- **The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;**
- **The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and**
- **The desirability of new development making a positive contribution to local character and distinctiveness"**

- 8.17 With regard to the impact of proposals on the significance of a designated heritage asset, paragraph 132 is relevant and reads as follows:

**"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alterations or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of designated heritage assets of the highest significance,**

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<sup>20</sup> Palmer v Herefordshire Council & Anor [2016] EWCA Civ 1061 (04 November 2016)

**notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites should be wholly exceptional”**

8.18 In the context of the above, it should be noted that paragraph 133 reads as follows:

**“Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss or all of the following apply:**

- **the nature of the heritage asset prevents all reasonable uses of the site; and**
- **no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and**
- **conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and**
- **the harm or loss is outweighed by the benefit of bringing the site back into use”**

8.19 Paragraph 134 goes on to state:

**“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”**

8.20 The NPPF also provides specific guidance in relation to development within Conservation Areas, stating at paragraph 137 that:

**“Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.”**

8.21 Paragraph 138 goes on to recognise that *“not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance”* and with regard to the potential harm from a proposed development states:

**“Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be**

**treated as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole" (our emphasis)**

8.22 With regards to non-designated heritage assets, paragraph 135 of NPPF states that:

**"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."**

8.23 Overall, the NPPF confirms that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent it. Local Authorities should approach development management decisions positively, looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. Additionally, securing the optimum viable use of sites and achieving public benefits are also key material considerations for application proposals.

8.24 The national Planning Practice Guidance (PPG) was first published in March 2014 which comprised a full and consolidated review of planning practice guidance documents to be read alongside the NPPF. The PPG has a discrete section on the subject of 'Conserving and enhancing the historic environment' which confirms that the consideration of 'significance' in decision taking is important and states:

**"Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals<sup>21</sup>"**

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<sup>21</sup> PPG, paragraph 009 (ID: 18a-009/20140306 revision date 06.03.2014)

8.25 In terms of assessment of substantial harm, the PPG confirms that whether a proposal causes substantial harm will be a judgement for the individual decision taker having regard to the individual circumstances and the policy set out within the NPPF. It goes on to state:

**"In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting<sup>22</sup>.**

**While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm" (our emphasis)**

8.26 With regard to design the PPG states at paragraph 02 that:

**"Good design should:**

- **ensure that development can deliver a wide range of planning objectives**
- **enhance the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on well being**
- **address the need for different uses sympathetically<sup>23</sup>."**

8.27 Paragraph 23 goes on to explain how to consider buildings and the spaces between them and reads as follows:

**"Plans, policies and decisions can effectively manage physical form at a variety of scales. This is how planning can help achieve good design and connected objectives. Where appropriate the following should be considered:**

- **layout – the way in which buildings and spaces relate to each other**

<sup>22</sup> PPG, paragraph 017 (ID: 18a-017-20140306 revision date 06.03.2014)

<sup>23</sup> PPG, paragraph 02 (ID: 26-002-20140306 revision date 06.03.2014)

- **form – the shape of buildings**
- **scale – the size of buildings**
- **detailing – the important smaller elements of buildings and spaces.**<sup>24</sup>

8.28 On 5<sup>th</sup> March 2018, the Government published its draft revised National Planning Policy Framework for consultation<sup>25</sup>. This document incorporates policy proposals previously consulted on, as well as additional proposed changes to planning policy set out in the Budget 2017. The document reiterates that the purpose of the planning system is to “*contribute to the achievement of sustainable development*” which includes the objective of protecting and enhancing the historic environment.

8.29 Section 16 of the draft document relates to ‘Conserving and enhancing the historic environment’ and remains largely unchanged from the previous policy guidance set out within the 2012 NPPF. Clarification has however been made as to the status of World Heritage Sites, in that they are recognised internationally for their Outstanding Universal Value and that this forms part of their significance and should thus be taken into account (paragraph 182). Additionally, paragraph 189 seeks to clarify that when considering the impact of a proposed development on a designated heritage asset, great weight should be given to the asset’s conservation irrespective of whether the potential harm to its significance amounts to ‘less than substantial harm’ or ‘substantial harm or total loss’ of significance.

8.30 Until such time as the 2012 NPPF is formally superseded, the text and policy guidance set out within the draft revised National Planning Policy Framework will be considered a material consideration in the determination of applications for Planning Permission or Listed Building Consent.

8.31 In considering whether the Proposed Development will cause harm, the ES Chapter 9 comprehensively considers the impacts of the Proposed Development on heritage assets.

8.32 The ES assessment concludes that, after mitigation and enhancement measures, there will be the following adverse residual effects:

- **Slight to Moderate adverse** effects on the Former RAF Upper Heyford Conservation Area as a result of new buildings, increased visitor traffic and

<sup>24</sup> PPG, Paragraph 23 (ID: 26/023/20140306 revision date 06.03.2014)

<sup>25</sup> Draft revised National Planning Policy Framework, DCLG, March 2018

- changes to the character of different Character Areas within the conservation area;
- **Moderate to Slight adverse** effects on the Rousham Conservation Area as a result of light pollution arising from the Proposed Development;
  - **Moderate to Large, and Large, adverse** effects resulting from the relocation of the car processing area to an area of **National Significance** comprising the setting of the Avionics building and the HAS structures to the north;
  - a number of **Slight adverse** effects following mitigation/enhancement measures, including to the setting inside sub-Character Areas of **national significance** on the Flying Field resulting from the proposed new Observation Tower and zip-wire, increased numbers or visitors and activity levels and visibility of proposed visitor attractions, the relocation of the car processing area, the proposed filming activities, and the new housing proposed in Parcel 10, redevelopment of area in vicinity of the Battle Command Centre (Scheduled Monument), the Hardened Telephone Exchange (Scheduled Monument), the Avionics Building (Scheduled Monument) and the setting of listed Nose Dock sheds (Listed buildings);
  - one **Moderate adverse impact** arising to **regional significance** heritage assets from the demolition of the two A Frame hangars 151 and 315 in the Technical area;
  - a number of **Slight adverse impacts** on sub-Character Areas of **regional significance** arising from impact to military character from proposals in adjoining areas, proposed changes of use in the Core Visitor Destination Area and visitor numbers, filming activities, residential development in Parcels 12 and 21, new residential properties resulting in loss of character, and additional facilities for the school;
  - a number of **minor adverse impacts** on sub-Character Areas of **local significance** arising from the establishment of a zip wire, filming activities, relocation of the car processing area, residential development in Parcels 10, 11, 12, 16, and 23, creation of sports park in Parcel 18, close care dwellings in Parcel 19, medical centre in Parcel 20.

8.33 The guidance set out within the PPG states that substantial harm is a high test, and that it may not arise in many cases. Whilst the Proposed Development seeks a number of changes which will affect heritage assets across what is a very large application site of some 450 ha, the PPG makes it clear that it is the degree of harm to the significance of the asset rather than the scale of development which is to be assessed. In addition, it has been clarified in both a High Court Judgement of 2013<sup>26</sup> that substantial harm would be harm that would “*have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced*”.

8.34 As such, it is considered that the adverse effects on the built heritage of the RAF Upper Heyford Conservation Area (including the Listed Buildings and Scheduled Monuments contained therein) will be, at worst, Slight to Moderate adverse with

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<sup>26</sup> EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council



a number of minor adverse effects to specific areas of the site of varying levels of significance. It is therefore concluded that the level of harm identified, although of significant weight in certain instances, falls short of what may be properly regarded as substantial harm to any of the identified heritage assets taken as a whole, as the significance of the whole of the Former RAF Upper Heyford Conservation, nor the Listed Buildings or Scheduled Monuments contained therein is neither vitiated altogether nor is very much reduced. Neither does the adverse effect vitiate or very much reduce the significance of the Rousham Conservation Area and Landscape. The relevant test in the NPPF therefore falls to be considered under NPPF paragraph 134.

8.35 As noted previously, paragraph 134 applies a planning balance whereby the 'harm [to the significance of a designated heritage asset] should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

8.36 In the case of the Proposed Development, there are a considerable range of public benefits, both heritage and non-heritage related which are summarised below and articulated in greater detail later in this Section of the Planning Statement:-

- Cultural and educational benefits arising from increased facilities and numbers of visitors to the site, assessed as a **major beneficial effect** in an area of **national significance** from a heritage perspective;
- Relocation of car processing site and retention and reuse of hangers, a **minor beneficial effect** in an area of **national significance** from a heritage perspective;
- The reuse and maintenance of buildings in the former Victor Alert area, a **moderate beneficial effect** in an area of **regional importance** from a heritage perspective;
- The removal of the existing car processing area away from the southern taxiway, a **moderate beneficial effect** in an area of **local significance** from a heritage perspective;
- Securing the future reuse and maintenance of HAS buildings 3052 -3055; assessed as a **major beneficial effect** in an area of **national significance** from a heritage perspective;
- New use of HAS buildings 3036-3042 with removal of car processing activities, a **moderate beneficial effect** in an area of **national significance** from a heritage perspective;
- **Significant social benefits** arising from the provision of 827 new **open market homes**, significantly boosting the supply of housing, which is of importance to maintaining the Council's districtwide housing trajectory in representing between 7% and 30% of the Council's any one year supply of housing up to 2031;

- **Significant social benefits** arising from the delivery of 348 new **affordable homes**;
- **Significant social benefits** arising from the **expenditure on construction and investment in the area**, including 518 direct construction roles and indirect/induced jobs supported per annum during the construction phase;
- **Moderate economic benefits** resulting from the provision of homes for **economically active people** which will increase annual household expenditure by £38.6m per annum;
- **Significant economic benefits** arising from supporting the delivery of **new employment comprising of 1,450 FTE jobs** directly supported on site, worth £800m to the economic output contribution over a 10 year period;
- **Limited economic benefits** arising from provision of **60 close care units**, resulting in £12.5m worth of health savings over a 10 year period from reduced GP visits, hospital admissions and care home costs.
- **Moderate environmental benefits** arising from provision of substantial areas of **public open space/green infrastructure**, including the provision of a Flying Field Park which is greater in scale than the Spice Ball Country Park in Banbury;
- **Moderate environmental benefits** arising from enhancements to biodiversity and substantial areas of native planting in appropriate areas of the perimeter of the Flying Field.

8.37 In addition, the Environmental Statement Chapter 9 in Table 9.32 identifies a considerable number of **Slight to Moderate beneficial effects** across **National, Regional and Local Significance** sub areas of the Conservation Area resulting from the measures intended to facilitate wider public appreciation of the Cold War Heritage and the central area of the Flying field.

8.38 There are further **Slight to Moderate Beneficial** effects identified to be derived from the continued use and maintenance of various structures in areas of **National** and **Local-Regional** significance.

8.39 It is therefore considered that, even when applying significant weight to the harm variously identified to the designated heritage assets (as required by the Planning Listed Building and Conservation Areas Act), the test applied in NPPF paragraph 134 is carried in favour of the Proposed Development given the substantial weight attached to the heritage, social, economic and environmental benefits which the proposed development would deliver. The various harms identified to the designated heritage assets are clearly and demonstrably outweighed by the public benefits.

### **Summary on approach to Decision Making Framework**

8.40 It is noted that even if the “tilted balance” is engaged, it does not change the statutory presumption in favour of the Development Plan as set out in s.38(6) of the Planning and Compulsory Purchase 2004 Act, but it does mean that some policies may need to be afforded reduced weight in accordance with the *Suffolk Coastal* Supreme Court Judgement<sup>27</sup>.

8.41 Once NPPF paragraph 14 is engaged, the decision maker must consider whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits. The *Suffolk Coastal* Judgement indicates that the decision maker must then consider whether in the context of Section 38(6) of the Planning and Compulsory Purchase Act 2004, these considerations amount to “*other material considerations*” that justify a departure from the policies of the adopted Development Plan.

8.42 Specifically, with regard to legislation relating to the Built Historic Environment, this is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990* which provides statutory protection for Listed Buildings and Conservation Areas.

8.43 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

**“In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”**

8.44 In the 2014 Court of Appeal judgement in relation to the Barnwell Manor case<sup>28</sup>, Sullivan LJ held that:

**“Parliament in enacting section 66(1) did intend that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given “considerable importance and weight” when the decision-maker carries out the balancing exercise.”**

<sup>27</sup> Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and anor (Respondents) Richborough Estates Partnership LLP and anor (Respondents) v Cheshire East Borough Council (Appellant) [2017] UKSC 37.

<sup>28</sup> East Northamptonshire District Council v SSCLG (2015) EWCA Civ 137

8.45 Recent judgement in the Court of Appeal<sup>29</sup> ('Mordue') has clarified that, with regards to the setting of Listed Buildings, where the principles of the NPPF are applied (in particular paragraph 134, see below), this is in keeping with the requirements of the 1990 Act. Therefore, having passed the NPPF paragraph 134 test for the reasons noted above, the requirements of Section 66(1) will have also been met.

8.46 With regards to development within Conservation Areas, Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

**"In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."**

8.47 Scheduled Monuments are protected by the provisions of the Ancient Monuments and Archaeological Areas Act 1979 which relates to nationally important archaeological sites. Whilst works to Scheduled Monuments are subject to a high level of protection, it is important to note that there is no statutory duty within the 1979 Act to have regard to the desirability of preservation of the setting of a Scheduled Monument.

8.48 Notwithstanding the statutory presumption set out within the Planning (Listed Buildings and Conservations Area) Act 1990, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

8.49 Having set out the framework for decision making, the positive benefits and adverse effects are identified which should be taken into account in reaching an overall planning balance.

### **The benefits associated with Proposed Development**

8.50 If the Proposed Development were granted planning permission, it would secure important benefits that would respond to all three dimensions of sustainable development (social, economic and environmental) as summarised below.

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<sup>29</sup> Jones v Mordue Anor (2015) EWCA Civ 1243

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The social benefits

- 8.51 Significant weight should be afforded to the provision of **open market homes**. Appeal Inspectors have consistently attached significant weight to this in other appeal decisions recognising the inadequate levels of house building in recent years, which is affecting the availability and affordability of housing across the country.
- 8.52 We are in the middle of a housing crisis and the NPPF includes the national policy imperative that requires LPAs to boost significantly the supply of housing (NPPF paragraph 47) and to deliver a wide choice of high quality homes and widen opportunities for home ownership (NPPF paragraph 50). The Proposed Development would deliver homes where they are needed, consistent with these objectives.
- 8.53 As well increasing the availability of open market housing, the proposals would make provision for a significant number of new **affordable homes** (348 units) and this should also be afforded significant weight.
- 8.54 Achieving the delivery rates of new housing, both open market and affordable, at Heyford Park is of strategic importance to the Council in terms of its overall spatial strategy, given that away from Banbury and Bicester, *'the major single location for growth will be at the former RAF Upper Heyford base which will deliver 3,361 homes.'*<sup>30</sup>
- 8.55 This importance is reflected in the Local Plan Housing Trajectory 2011-2031, which identifies over the period 2018/19 – 2025/26 150 dwellings completion, which continue to the end of the plan period at 2030/31 at between 141-140 dwellings. In terms of overall significance to the district-wide housing trajectory, the Heyford Park site is expected to deliver between c.7% and 30% in any one of year of Cherwell's housing land supply.
- 8.56 The Proposed Development also provides for significant **new community infrastructure**. This includes the creation of a new medical centre up to 670 m<sup>2</sup> and new retail provision of up to 929 sq.m, in addition to new sports facilities and community buildings. These proposed facilities have been strongly supported by the local community as evidenced in the accompanying Community Engagement Report and is therefore a matter which should be afforded moderate weight.

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<sup>30</sup> Paragraph A.11, 4<sup>th</sup> bullet point, Cherwell Local Plan 2011-2031 Part 1, July 2015

8.57 The Proposed Development will also result in **improved walking, cycleway and equestrian opportunities** through enhancements to on site and where appropriate funding for off site enhancements. A number of measures are also proposed to enhance public transport accessibility both within the site and through onward bus services to Bicester, and also through a community minibus which would provide for journeys to Lower Heyford rail station. Given the lack of availability of public funds for maintaining rural public transport at the present time, this commitment to service provision should be afforded moderate weight.

#### Economic Benefits

8.58 Significant weight should be afforded to **expenditure on construction and investment in the area.**

8.59 The NPPF at paragraphs 18 and 19 explains that the Government is committed to securing economic growth in order to create jobs and prosperity and that it is committed to ensuring that the planning system does everything it can to support sustainable economic growth. It goes on to state that “significant weight” should be placed on the need to support economic growth through the planning system.

8.60 Following the recent recession, the Government placed a major emphasis on the construction industry to “kick start” the economy. There has been a clear push on planning for growth through national policy initiatives including the NPPF, which was intended to stimulate growth in the economy. More recently we have the economic uncertainty surrounding Brexit which requires continued prudence.

8.61 It is widely recognised that housebuilding has knock-on effects for other sectors which leads to increased demand for building materials and equipment at the construction phase as well as domestic furniture and carpets etc following completion. This generates/sustains employment in other sectors. The construction industry also stimulates lending in financial markets, another important sector in the UK economy. The Economic Report appended to this Planning Statement has estimated that over £245m will result from the estimated construction investment over a 9 year build programme, with £34.6m GVA of economic output added per annum during the 9 year build programme.

8.62 The construction industry is also reliant upon a constant stream of new sites to keep people employed and to maintain delivery rates. The LPA’s strategic housing requirement will require an increase in construction activity to be

maintained across the plan period, indicating that **new construction jobs** will be created locally. The Economic Report appended to this Statement estimates that there will be 518 direct construction roles and indirect/induced jobs supported per annum during the build phase. Moderate weight should be attached to the newly created construction jobs.

8.63 Further, moderate weight should be attributed to the provision of **homes for economically active people** noting that this is a location where new residents can help to sustain services including public transport, by bringing additional expenditure to the area on a day to day basis. The annual household expenditure is estimated to increase by £38.6m per annum. It also provides potential workers for the existing and proposed business at Heyford Park.

8.64 Significant weight should be attached to the benefits of supporting the **delivery of new employment**. The accompanying Economic Report indicates that 1,450 new FTE jobs will be directly supported on site. The economic output contribution from jobs directly supported on the site over a 10 year period is estimated to amount to £800m.

8.65 The proposals will also provide economic benefits through the **provision of 60 close care units**. There are £12.5m estimated health savings over a 10 year period arising from reduced GP visits, hospital admission and care home costs. Further the provision of housing to meets demands of an ageing population and enabling older people to move can release family housing in an area, thereby helping to provide increased housing stock to attract more economically active people into an area and increasing household expenditure. The accompanying Economic Report estimates that this additional total expenditure over a 10 year period would add £8.5m. Limited weight should be attached to this as a benefit.

#### Environmental benefits

8.66 The scheme would deliver **public open space/green infrastructure** which will be accessible to new and existing residents. The proposed provision includes not only new playing field/sports provision in excess of the standards required but also the provision of a new Flying Field Park and Control Tower Park (totalling 24.4ha which is larger than the Spice Ball Country Park in Banbury (approx. 19ha). The new Flying Field Park at the centre of the site is significant too from a heritage perspective as it will allow public access to the heart of the flying field with views of the scheduled monuments to the north, views of the listed Control



Tower and a full appreciation of the size of the main runway. Given both the scale and the historic significance of the proposed green infrastructure provision in excess of Local Plan standards, it is considered that this should be afforded moderate weight.

8.67 The Proposed Development would assist in securing **enhancements to biodiversity**. It will also involve **substantial native planting** within areas of the perimeter of the Flying Field. This should be afforded moderate weight.

8.68 Overall it can be seen that the proposals will deliver a range of benefits which, taken together, weigh heavily in its favour.

#### **The adverse effects to be weighed in the balance**

8.69 The adverse effects relate mainly to the environmental dimension to sustainable development.

8.70 The impact of the Proposed Development on designated and undesignated **heritage assets** has already been appraised in the context of footnote 9 to Paragraph 14 of the NPPF in this Planning Statement. In summary, it has been concluded that there would be moderate/large adverse effect to the setting of the Scheduled Avionics building, slight to moderate harm to the setting of a number of structures of national importance, slight harm to the setting of those of regional importance and slight harm to the setting of those local importance as noted in Table 9.32 of the ES Chapter 9. This harm should be afforded significant weight. Overall, Slight to Moderate harm has been identified to the impact on the character and appearance of RAF Upper Heyford Conservation Area, and also to the Rousham Conservation Area. This harm should be afforded significant weight, notwithstanding that the NPPF paragraph 134 test has been applied and passed previously.

8.71 The proposals would, in part, involve development on greenfield land which would give rise to a **loss of countryside**, but such losses are inevitable if the housing needs are to be met across the District. Further, the Development Plan has identified the parcels proposed for housing in the Proposed Development as Areas with potential for additional development. The proposed sports park is proposed to be provided on greenfield land outside but adjacent to the Policy Villages 5



allocation<sup>31</sup>, but given its nature and low intensity of built form, the landscape, visual and heritage impacts have all be assessed as being minor adverse. Therefore, only limited weight should be attributed to the loss of countryside.

8.72 As noted previously, assessment work continues with the statutory bodies with regard to identifying a package of highway improvements and travel planning so as to mitigate the effects of traffic generated by the Proposed Development, such that the effect on driver delay should not be significant. There may still be residual effects on the highway network post mitigation and, until these are quantified further, limited weight should be afforded to this consideration.

8.73 In the event that the LPA or other parties consider that there would be greater levels of residual harm, then that harm still needs to be weighed in the overall planning balance. In the context of the *Suffolk Coastal* judgement and s.38(6) of the Planning and Compulsory Purchase Act 2004, it is considered that the benefits of the scheme are still capable of being over-riding considerations in this case.

#### Other considerations

8.74 There are no other grounds to resist development on this site which cannot be avoided, mitigated, or controlled through planning conditions and obligations.

#### Compliance with the Development Plan

8.75 The proposals would be in general accordance with the Development Plan. The proposals would accord with the spatial strategy of the Core Strategy and in particular Policy Villages 5 when taken as a whole.

#### Overall Conclusion

8.76 Following this analysis, the conclusion is drawn that the proposals are acceptable because they are in general accordance with the Development Plan when read as a whole.

8.77 Even if the decision maker concludes that there would be some conflict with the Development Plan, NPPF paragraph 14 is engaged and it is not considered that the residual adverse impacts of the development would significantly and demonstrably outweigh the identified benefits of the development in the "tilted

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<sup>31</sup> The proposed sports park is also located within the designated Rousham Conservation Area, and heritage impacts are considered under the heritage section of the planning balance.

balance.” This represents a significant material consideration which should override any such conflict.

8.78 To summarise on the overall Planning Balance:-

1. The proposals will deliver a range of social, economic and environmental benefits which can be afforded varying levels of weight as identified below. These include:-

- Provision of Open Market Housing – Significant
- Provision of Affordable Housing – Significant
- Provision of on-site infrastructure, including new community infrastructure – Moderate
- Provision of off-site infrastructure, including enhanced public right of way connectivity and public transport accessibility – Moderate
- Expenditure on construction and investment in the area – Significant
- Creation of construction jobs – Moderate
- Providing homes for economically active people – Moderate
- Provision of Public Open Space – Moderate
- Enhancements to biodiversity and green infrastructure – Moderate

2. The potential residual adverse impacts have been identified and these should also be afforded varying degrees of weight as follows:

- Loss of countryside – Limited
- Landscape and visual impact of the development – Limited
- Impact on the character and appearance of the RAF Upper Heyford Conservation Area – Significant
- Impact on the character and appearance of Rousham Conservation Area – Significant
- Increased traffic and driver delay on surrounding roads – Limited<sup>32</sup>

3. All other identified impacts can be avoided, mitigated or addressed through Planning conditions and/or obligations.

4. It can be demonstrated that the proposals would be in general accordance with the Development Plan and should therefore be approved.

5. Even if there was some conflict, the “tilted balance” in NPPF paragraph 14 is engaged and the adverse impacts of granting planning permission would not

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<sup>32</sup> Pending conclusion of transport work on an appropriate package of highway improvements and travel planning

significantly and demonstrably outweigh the benefits of the development. As such the proposals represent sustainable development in the context of the NPPF and should still be approved.

## **APPENDIX 1**

### **S106 OBLIGATION MATRIX**

**APPENDIX 2**

**ECONOMIC IMPACT REPORT, PEGASUS GROUP**

## **APPENDIX 3**

### **HEYFORD PARK PRIMARY SCHOOL FEASIBILITY STUDY, ADP**

## **APPENDIX 4**

### **HEYFORD PARK FREE SCHOOL FEASIBILITY STUDY 01, ADP**

## **APPENDIX 5**

### **ASSESSMENT OF STRATEGIC SIGNIFICANCE OF RAF UPPER HEYFORD, COL JAMES P COOK**