

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

**District:** Cherwell

**Application no:** 15/00474/OUT

**Proposal:** OUTLINE - Demolition of the southern bomb stores and associated structures and site clearance, with the subsequent construction of employment development (Use Classes B1a up to 8,000m<sup>2</sup>, B1b/c up to 18,000m<sup>2</sup>, B2 up to 9,000m<sup>2</sup> and B8 up to 30,000m<sup>2</sup>) with associated building/structures, vehicle access to Chilgrove Drive, highway improvements, internal access road, pedestrian linkages, service areas and parking, utilities and infrastructure, landscaping and associated other works.

**Location:** Land And Southern Stores Chilgrove Drive Upper Heyford

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**This report sets out Oxfordshire County Council's view on the proposal.**

**Annexes to the report contain officer advice.**

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### **Comments:**

The County Council has raised objections to this application for the following reasons:

- It is not consistent with the draft Cherwell Local Plan Policy Villages 5: Former RAF Upper Heyford. Paragraph C.259 of the policy states that a comprehensive approach will be required and it will be necessary to demonstrate how the additional land identified can be satisfactorily integrated with the approved development. The additional land will not be permitted to be developed independently of the main development and infrastructure contributions will be expected for the wider scheme.
- There is inadequate information to evaluate the archaeological impact of the proposals and it is contrary to the paragraph 128 of the National Planning Policy Framework (NPPF).

The County Council considers that preparation of a master plan is the best way to determine the development and infrastructure requirements within this site and would be willing to work with the District Council and the developers in the master planning exercise. This application would then need to be assessed in the light of the outcome of that master plan.

**Officer's Name:** Lisa Michelson

**Officer's Title:** Locality Manager

**Date:** 15 April 2015

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**ANNEX 1**  
**OFFICER ADVICE**

## **RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL**

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**Location:** Land And Southern Stores Chilgrove Drive Upper Heyford

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### **Transport**

#### **Recommendation**

Objection

#### **Key issues**

- The development is not in a transport sustainable location.
- The Local Plan amendments for the Upper Heyford area will be the subject of a master planning exercise which will include all modes of transport.
- This application would need to be assessed in the light of the outcome of that master planning exercise, and is therefore premature.
- The Transport Assessment does not include the Local Plan amendments in its base traffic case despite a clear requirement stated by Oxfordshire County Council at a pre-application meeting with the developer.
- The Transport Assessment contains other shortcomings that would need to be addressed before this objection is lifted.
- A framework travel plan will be required for to embrace the whole site, and separate Travel Plans may be required for individual units.
- There are issues and requirements regarding rights of way.

#### **Legal Agreement required to secure**

Most contributions and other requirements from the developer can only be determined as a result of a master planning exercise to address the additional development at Upper Heyford set out in the Local Plan amendments.

A monitoring fee of £2,040 for the framework travel plan is required prior to occupation for the on-going monitoring of the framework travel plan for a period of 5 years from final occupation of the site.

Any unit on this site that is over the threshold set out in the Oxfordshire County Council guidance document Transport for new developments; Transport Assessments and Travel Plans (March 2014) will require a supplementary travel plans and a monitoring fee of £1,240 for the on-going monitoring of the supplementary plan for a period of 5 years post occupation.

Rights of Way issues as set out under Detailed Comments below.

### **Conditions**

Should the local planning authority be minded to grant planning permission then the following conditions would apply.

- D4 – Access: Full Details
- D9 – New Estate Roads
- D12 – Road Construction, Surface and Layout
- D18 – Plan of Car Parking Provision
- D19 – Cycle Parking Provision
- D20 – Travel Plan
- D26 – Protection of Existing Public Footpaths

A framework travel plan to cover the area of application is to be produced and approved by Oxfordshire County Council's Travel Plan Team prior to first occupation of any unit on the site.

Any unit that is over threshold set out in Oxfordshire County Council guidance document Transport for new developments; Transport Assessments and Travel Plans (March 2014) will require a supplementary travel plans to be produce by the end users and approved by Oxfordshire County Council Travel Plans Team within 3 months of first occupation of the unit.

### **Informatives**

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

Prior to commencement of development, a separate consent must be obtained from OCC Road Agreements Team for the new highway vehicular access under S278 of the Highway Act. Contact: 01865 815700; RoadAgreements@oxfordshire.gov.uk.

### **Detailed Comments**

#### **Transport Development Control**

A pre-application meeting was held between the developer and the County Council on the 2<sup>nd</sup> of March. At that meeting the developer presented the scheme and the required scope of the Transport Assessment was discussed. However, it is noted that the Transport Assessment is dated 6<sup>th</sup> of February and therefore pre-dates that discussion.

The Transport Assessment itself contains shortcomings which have contributed to generating this objection. These are set out below.

Section 3 of the Transport Assessment sets out the existing transport conditions. Part of this includes analysis of distances to local facilities on foot and by bicycle. The analysis reveals that most facilities are at least 2km distant from the development with a walking time of over 20 minutes. The development site is clearly therefore not in a sustainable location.

Section 4.2.3 states that “*The existing footways on Camp Road will need to be extended to join the proposed footway/cycleway on new roundabout*”. For the avoidance of doubt, these would need to be provided by the developer.

Section 4.3.2 states that “*...new bus stops are proposed on Camp Road to the west of proposed access junction*”. For the avoidance of doubt, these would need to be provided by the developer.

Section 4.5 presents the maximum number of car parking spaces that would be permitted at the development according to Cherwell’s parking standards, but states that “*...trip rates and trip generation analysis indicate the significantly fewer than this will be required*”. For the avoidance of doubt, OCC would expect the parking provision at the development site to be close to the maximum permitted in order to minimise the incidence of on-street or off-site parking.

Section 5.1.1 presents a list of three junctions which are the subject of capacity assessment. OCC would also expect to see the junction of the B430 and the un-named road linking it to the junction of Camp Road and Chilgrove Drive to be included in the assessment.

Sections 5.2.5 and 5.2.6 state the use of TEMPRO to determine future year growth factors. However the methodology employed in determining these growth factors is not stated. This would need to be supplied together with the details of the calculations undertaken and the adjustment factors used.

Section 5.4.14 states that a 10% reduction in trip generation is made to account for internal trips. However, no justification is offered for the selection of this factor and no source is quoted. This would need to be rectified.

Throughout Section 5 no mention is made of the Cherwell District Council Local Plan amendments which entail an additional 1,600 dwelling to be incorporated into the Upper Heyford plans. At the pre-application meeting between the developer and the council on March 2<sup>nd</sup> the council made it clear that trips associated with these additional dwellings would need to be included in the assessment of this site. There is no evidence that this has been done, and therefore the ensuing junction capacity analysis in this section is invalid.

### **Transport Strategy**

The emerging Cherwell Local Plan contains Policy Villages 5, which directly refers to Former RAF Upper Heyford in the title. Former RAF Upper Heyford is highlighted in the proposals map associated with the plan as covering the majority of, if not all of, Upper Heyford Air Base, including the bomb stores subject of this application.

An additional 1600 homes are proposed through the Policy Villages 5 and it is therefore considered necessary for this to be taken account of, as well as the existing permission on the site FOR 1,075 homes and employment (10/01642/OUT), in any Transport Assessment undertaken for proposals at the bomb stores.

Paragraph C.259 relating to Policy Villages 5: Former RAF Upper Heyford states the following regarding to the land allocation:

“C.259 A comprehensive approach will be required and it will be necessary to demonstrate how the additional land identified can be satisfactorily integrated with the approved development. The additional land will not be permitted to be developed independently of the main development and infrastructure contributions will be expected for the wider scheme.”

This application is therefore considered premature as C.259 makes clear that the proposals for the Former RAF Upper Heyford allocation must be considered as a whole, including mitigation, prior to proposals for parcels within the allocation being considered for permission.

The bomb store proposals are expected to be included and viewed within the wider context of a masterplanning exercise that would tie the development in with existing development at Upper Heyford, committed development and that proposed through Villages Policy 5. This exercise will use detailed transport modelling and public transport viability work to identify the transport mitigation that would be required and a proportionate and reasonable transport contribution that each development would be expected to pay to mitigate their impact on the transport network. This exercise has not been undertaken and so the application cannot be assessed from a transport strategy perspective at this stage.

An informal meeting was held between the developer and the county council on 2<sup>nd</sup> March where the county council was informed of the imminent submission of this application without pre-application advice. It was suggested by the County Council at this meeting that, in the absence of a masterplan for the Former RAF Upper Heyford allocation, the Transport Assessment should at least take account of the emerging Cherwell Local Plan proposals for growth, including the additional 1600 houses proposed for Upper Heyford. This has not been demonstrated in the Transport Assessment, as Temprow has been used to calculate growth in traffic flows, which does not include the additional growth proposed through the emerging Cherwell Local Plan. The impact assessment of the proposed development on the local junctions and links is therefore inaccurate and cannot be considered as part of the planning application.

### **Public Transport**

The site is poorly located in relation to the public transport network, with the nearest part of the proposed site being 800 metres from any possible bus stop at the junction of Chilgrove Drive and Camp Road, and as much as 1.5 km at the furthest end of the former Bomb Stores. There is no separate footpath along Chilgrove Drive.

The Council has a policy to ensure that new development can be served by sustainable transport, so that employees have a realistic choice of walking, cycling or using public transport. This site is quite remote, and there are significant concerns that almost all journeys would be made by private car, causing significant problems elsewhere on the congested strategic road network.

There is a current allocation in the Cherwell Local Plan for additional development at Upper Heyford. Representations made at the Public Inquiry made it clear that comprehensive mitigation of transport impact would be required at this site, including much improved bus services from Bicester, Oxford and Banbury. The poor geographic location of this application demonstrates the urgent need for a comprehensive approach to the masterplanning the site, to ensure that all parts of the site can be accessed by public transport.

Bus service 25A currently operates once per hour on weekday daytimes between Oxford, Upper Heyford and Bicester. The current residential development scheme at Upper Heyford (for up to 1075 dwellings) has provided funding for enhancing the bus service between Upper Heyford and Bicester to operate twice per hour with some evening and Sunday service.

The location of this proposed development suggests that considerable thought must be given to a routing strategy for buses around the extensive Upper Heyford site. Currently buses operate along Camp Road, but this is too far from the existing and proposed employment areas for the bus to be a realistic option for travel to work. It is suggested that in the future,

bus services to/from Oxford, to/from Bicester and to/from Banbury will need to operate as separate services, terminating in a loop around the wider Upper Heyford site.

Modelling to support the Cherwell local plan suggested that bus services from Oxford, Banbury and Bicester would be required in the future, with each service operating at least two times per hour. This would require considerable investment by the developer into pump-priming these bus services towards commercial viability. Two buses per hour is considered to be the minimum credible level of service to encourage people to use public transport.

A much higher mode share than the 2% claimed in the Transport Assessment will be required for travel to/from Upper Heyford in the future, not only to sustain these bus services but also to reduce the number of additional cars attracted onto the County's congested road network.

### **Travel Plans**

A framework plan should be provided with the Upper Hayford master plan and take in to consideration the emerging Cherwell District Council Local Plan. As a framework plan for the whole of the Upper Hayford development has been requested but not provided to date each application will be requested to provide framework plan covering their application area.

A framework travel plan and payment of a travel plan monitoring fee of £2,040 to cover monitoring of the framework travel plan for a period of 5 years after the final occupation is required prior to the to the first occupation of any units on this application site.

If an individual unit is over the threshold set out in Oxfordshire County Council Guidance, Transport for new developments; Transport Assessments and Travel Plans (March 2014) a supplementary plan and monitoring fee will be required. This supplementary plan needs to be linked to the objectives and actions in the framework travel plan for this application and approved by Oxfordshire County Council travel plans team within 3 months of the first occupation of the unit.

### **Rights of Way**

The proposed bridleway adjacent to Chilgrove Drive is proposed to be fenced with timber fencing. If this route is enclosed it needs to be a minimum of **5m** width – especially when it runs adjacent to HGV routes

There need to be physical measures to reduce HGV traffic speed to 20MPH where it runs adjacent to the bridleway and warning signs on the access road to instruct drivers to beware of equestrians, cyclists and pedestrians

The crossing of the roundabout and connecting roads needs to be agreed and provided as part of this development's construction. It is considered necessary for these crossings to be user-controlled signalised crossings.

Other than reducing one crossing point, it is unclear why the existing Chilgrove Drive is not being made available for equestrians

The construction of the bridleway route should be to a standard agreed with OCC Countryside Access Team in advance and provided at the same time as the construction of the access road.

The connecting route around the southern Bomb store and through the Flying Field should be provided to the agreed specification and at the same time as the construction of the access road.

**Officer's Name: Chris Nichols**

**Officer's Title:** Transport Development Control

**Date:** 14 April 2015

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**Location:** Land And Southern Stores Chilgrove Drive Upper Heyford

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### **Archaeology**

#### **Recommendation:**

Objection

#### **Key issues:**

The site is located in an area of archaeological potential adjacent to the prehistoric Aves Ditch and in an area where Anglo Saxon burials and Iron Age settlement has been recorded. The results of an archaeological evaluation will need to be submitted with this application ahead of the determination of any planning permission for the site, as set out in the NPPF para 128, in order that an informed decision can be made regarding the impact of this development on any surviving archaeological features on the site.

#### **Legal Agreement required to secure:**

None

#### **Conditions:**

Not at this stage.

#### **Informatives:**

If the applicant makes contact with us, we shall be pleased to provide information on the procedures involved, draft a brief upon which a costed specification can be based and provide a list of archaeological contracting organisations working in the area.

#### **Detailed Comments:**

Whilst the main area of this proposed development would have been substantially disturbed by the development of the bomb stores themselves the proposed new access route is located in an area of considerable archaeological potential.

The site is located adjacent to the line of Aves Ditch, a prehistoric tribal boundary. A number of Iron Age banjo enclosures have been recorded along the line of this boundary including one 500m east of this site and another, 300m north of this proposed site, immediately adjacent to Aves Ditch. Two further banjo enclosures have been recorded to the south of this proposed site. Other Prehistoric features have been identified from aerial photographs in the immediate vicinity.

Middle to Late Iron Age settlement has been recorded along Aves ditch itself 1km to the south of the proposed new access road. The proposed new access road crosses Aves ditch twice and so could impact on any further settlement evidence along the route of this boundary feature.

A number of burials have been recorded in the vicinity and a possible Anglo Saxon cemetery has been recorded in the vicinity. This was recorded in 1865 and the exact location is uncertain but it was either recorded 700m north of the proposed site or 70m to the south. Roman cremations and burials have also been recorded east of the site.

It is therefore possible that significant archaeological deposits could survive on the site and further information in the form of an archaeological evaluation will need to be submitted along with the application in order that the impact of this development on any surviving archaeological deposits can be assessed ahead of the determination of any planning application for the site. This is set out in paragraph 128 of the National Planning Policy Framework (2012).

In accordance with the National Planning Policy Framework (NPPF), we would therefore recommend that, prior to the determination of this application the applicant should therefore be responsible for the implementation of an archaeological field evaluation. This must be carried out by a professionally qualified archaeological organisation and should aim to define the character and extent of the archaeological remains within the application area, and thus indicate the weight which should be attached to their preservation. This information can be used for identifying potential options for minimising or avoiding damage to the archaeology and on this basis, an informed and reasonable decision can be taken.

**Officer's Name: Richard Oram**

**Officer's Title: Planning Archaeologist**

**Date: 08 April 2015**

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**Location:** Land And Southern Stores Chilgrove Drive Upper Heyford

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### **Ecology**

#### **Recommendation:**

Objection

#### **Key issues:**

The proposed development would result in the loss of a Local Wildlife Site (LWS) designated for its lowland calcareous grassland, and require the translocation of a large population of great crested newts (GCN). No assessment of the feasibility of the suggested grassland and GCN mitigation and enhancement schemes has been provided, nor detailed information as to how it would be achieved.

#### **Legal Agreement required to secure:**

District to comment

#### **Conditions:**

District to comment

#### **Informatives:**

N/A

#### **Detailed Comments:**

Details on the proposed mitigation and compensation for the loss of calcareous grassland, GCN breeding habitat and a main badger sett are currently too vague to determine the likely impact on these ecological receptors.

Translocation of the grassland and newt population is possible, but both would be lengthy and expensive processes. The success of such a grassland translocation exercise in the long

or short term is not something that can easily be known; it would be highly dependent on the resources made available to undertake it and the necessary preparation and aftercare. A grassland creation and enhancement scheme (as opposed to translocation), based around what already exists elsewhere on site, would be a more economically viable option and likely to have a greater chance of succeeding in the long term.

The GCN population present in and around the bomb store is the largest in the County and is therefore likely to be of national importance. Without detailed information on the intended mitigation, or a consideration of the likelihood of a Habitat Regulations licence being obtained (ie whether or not the '3 tests' listed below can be met), the planning authority would not be able to fulfil its obligations under the Habitats Directive (see note below). Simply stating that the newts will be moved to another area where twice as many ponds as existing will have been created is not enough. The type of pond to be created is also important, and 'natural' ones may not be the ideal choice in this situation. GCN (at least in Oxfordshire) appear to thrive in steep-sided man-made water bodies with no obvious newt-friendly features (such as aquatic vegetation) possibly because predators such as herons are unable to access them. Therefore the retention of as many existing water tanks as possible, or replication of this type of environment would be preferable, along with the creation of some more traditional ponds throughout the whole site.

More information on bat, nesting bird, badger and reptile mitigation, as well as ecological enhancements, is also required prior to the commencement of any site clearance or development.

Note: All competent authorities, when exercising their functions must have regard to the requirements of the Habitats Directive (See Regulation 9(5) of the 2010 Habitats Regulations). Planning authorities are competent authorities and are exercising a function in deciding whether or not to grant planning permission. The judgement in the case of *Morge (FC) (Appellant) v Hampshire County Council* [2011] UKSC 2 considered the application of this duty. It came to the conclusion that, if the Planning Authority concludes that the carrying out of the development for which permission has been applied for even if it were to be conditioned, would be likely to offend Article 12(1), by for instance, causing the disturbance of a species with which that Article is concerned, then it must consider the likelihood of a licence being granted. The licensing authority is Natural England.

When considering the likelihood of a licence being granted local authorities should refer to guidance on how Natural England applies the 3 tests listed below when considering licence applications.

A licence can only be granted if the following tests can be met:

- The consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'
- There must be 'no satisfactory alternative'
- The action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their range'

**Officer's Name:** Sarah Postlethwaite  
**Officer's Title:** Protected Species Officer  
**Date:** 09 April 2015

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