

PLACE AND GROWTH INTERNAL MEMORANDUM

From: Planning Policy, Conservation and Design Team

To: Senior Manager – Development Management (FAO Andrew Lewis)

Our Ref: Application Response

Your Ref: 21/04289/OUT

Ask for: Heather Seale

Ext: 7026

Date: 12/05/2022

PRE-APPLICATION CONSULTATION PLANNING POLICY RESPONSE

This response raises the key planning policy issues only.
All material planning policies and associated considerations will need to be taken into account.

Planning Application No.	21/04289/OUT
Address / Location	OS Parcel 1570 Adjoining And West Of Chilgrove Drive And Adjoining And North Of Camp Road Heyford Park
Proposal	Outline planning application for the erection of up to 230 dwellings, creation of new vehicular access from Camp Road and all associated works with all matters reserved apart from Access
Key Policies / Guidance	<p><u>Adopted Cherwell Local Plan 2011-2031</u></p> <ul style="list-style-type: none"> • Policy PSD 1: Presumption in Favour of Sustainable Development • Policy SLE 4: Improved Transport and Connections • Policy BSC 1: District Wide Housing Distribution • Policy BSC 2: The Effective and Efficient Use of Land – Brownfield Land and Housing Density • Policy BSC 3: Affordable Housing • Policy BSC 4: Housing Mix • Policy BSC 10: Open Space, Outdoor Sport and Recreation Provision • Policy BSC 11: Local Standards of Provision – Outdoor Recreation • Policy BSC 12: Indoor Sport, Outdoor Sport and Recreation Provision • Policy ESD 1: Mitigating and Adapting to Climate Change • Policy ESD 2: Energy Hierarchy and Allowable Solutions • Policy ESD 3: Sustainable Construction • Policy ESD 4: Decentralised Energy Systems • Policy ESD 5: Renewable Energy • Policy ESD 6: Sustainable Flood Risk Management • Policy ESD 7: Sustainable Drainage Systems • Policy ESD 8: Water Resources • Policy ESD 15: The Character of the Built and Historic Environment • Policy ESD17: Green Infrastructure • Policy INF 1: Infrastructure • Policy Villages 5: The Former RAF Upper Heyford <p><u>Mid Cherwell Neighbourhood Plan (2019)</u></p> <ul style="list-style-type: none"> • Policy PD4: Protection of Views and Vistas • Policy PD5: Building and Site Design

	<ul style="list-style-type: none"> • Policy PD6: Control of Light Pollution • Policy PH1: Open Market Housing Schemes • Policy PH3: Adaptable Housing • Policy PH4: Extra-care Housing • Policy PH5: Parking, Garaging and Waste Storage Provision <p><u>Saved Policies of the Adopted Cherwell Local Plan 1996</u></p> <ul style="list-style-type: none"> • Policy C8: Sporadic development in the open countryside • Policy C28: Layout, design and external appearance of new development • Policy C30: Design control <p>RAF Upper Heyford Conservation Area Appraisal (2006) National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)</p>
<p>Key Policy Observations</p>	<ul style="list-style-type: none"> • Outline planning permission is sought for the erection of up to 230 dwellings, creation of new vehicular access from Camp Road and all associated works with all matters reserved apart from access. • The application site comprises approximately 11.68ha of agricultural land to the north of Camp Road and to the west of Chilgrove Drive, on the eastern edge of Heyford Park. To the west of the site lies a field which has a resolution to approve 89 dwellings (15/01357/F) and a further 31 dwellings forming phase 2 (21/03523/OUT) subject to legal agreements. To the north is the flying field and other structures associated with the former RAF/USAF Upper Heyford airbase. To the south, the site is bounded by agricultural fields, woodland, and some static park homes. The former airbase is a designated Conservation Area. • The former RAF Upper Heyford (Heyford Park) is identified as a strategic site for development in the Local Plan 2015 (Policy Villages 5). Policy Villages 5 provides for “...a settlement of approximately 1,600 dwellings (in addition to the 761 dwellings (net) already permitted) and necessary supporting infrastructure...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”. • The application site is outside the area identified by Policy Villages 5 in the 2015 Local Plan (see page 358 of the Local Plan). The proposed development is therefore contrary to the adopted development plan. • The Mid-Cherwell Neighbourhood Plan (MCNP) was made in May 2019 and is part of the Development Plan for Cherwell District. It applies to planning applications in the area shown in the neighbourhood plan (figure 2, page 8) which includes 12 Parishes in the central part of Cherwell District. As well as planning policies it contains a Community Action Plan the status of which is explained in the MCNP (see page 65). The MCNP sets out where some policies do not apply to the former RAF Upper Heyford (the area covered by Policy Villages 5). • The 2021 Annual Monitoring Report demonstrates that the District presently has a 3.5 year housing land supply for the period 2022-2027. • The former RAF Upper Heyford site is allocated for 1,600 additional dwellings (see Policy Villages 5). The 2021 AMR confirms that on 31

March 2021 there were 674 dwellings completed and planning permissions in place for 509 dwellings at Heyford Park. Furthermore, a new Hybrid application (18/00825/HYBRID) for 1,175 dwellings was approved subject to legal agreement on 5 November 2020 and there is a resolution to approve 89 dwellings (15/01357/F) and 31 dwellings (21/03523/OUT) on greenfield land within the allocation subject to legal agreements. The housing supply at Heyford Park and the potential impacts of the additional dwellings proposed in the application on existing and planned infrastructure, in combination with those allocated in the Local Plan, will be relevant to consider. Consultation should take place with relevant consultees.

- The merits of providing additional homes (including affordable homes) on this site is noted and the proposal would assist in delivering new homes and meeting overall Policy BSC 1 housing requirements to 2031.
- As the Council cannot demonstrate a five-year housing land supply, in accordance with the NPPF, any assessment of the residential proposals will need to apply the 'tilted balance'.
- The 'tilted balance' states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- However, recent case law has clarified that even where development plan policies are rendered "out of date" by housing land shortfalls, they remain "potentially relevant" to the application of the tilted balance and decision-makers are "not legally bound to disregard them".
- Moreover, case law has established that the provisions of the NPPF remain subordinate to the overriding principle established by section 38(6) of the Planning and Compulsory Purchase Act 2004 that decision-makers must have first regard to the terms of development plan policies.
- The application site is adjacent to the allocated Policy Villages 5 site and the developing settlement at Heyford Park. Requirements of Policy Villages 5 may not apply as the site is outside the policy site boundary, however consideration of relevant policy requirements will be important in contributing towards achieving an effective, well designed and sustainable development.
- Policy Villages 5 identifies 'Areas with the potential for additional development' shown in grey on the inset policy map accompanying Policy Villages 5 on page 358 of the Local Plan (the policy development area). The application site is outside these areas. The field immediately to the west of the application site is however included.
- The application is for a residential development of around 230 dwellings on a site with a developable area of approximately 5.9 hectares which equates to approximately 39 dwellings per hectare. The proposal therefore meets the requirements of Policy BSC 2. However, the density will need to be considered in relation to the surrounding uses, densities and heritage assets.
- Policy BSC 3 states that sites of 11 or more dwellings will be required to provide affordable housing. In areas outside of Banbury and Bicester the

policy requirement is that 35% of the developed units should be for affordable housing. Neighbourhood Plan Policy PH1 states that new market housing should favour homes with a smaller number of bedrooms. Neighbourhood Plan Policy PH3 states that housing development will be favoured that is designed with features that enable residents to live there throughout different phases of their lives and be capable of internal and external adaptation to help achieve this aim. Advice should be sought from the Housing Strategy and Development Team as to the mix of affordable unit types and Policy BSC 4 will apply. Neighbourhood Plan Policy PH5 sets out requirements for parking, garaging and waste storage provision.

- Proposals will need to be considered against Local Plan Policy SLE 4 and advice should be sought from the County Council in this regard. It is noted a transport assessment has been undertaken for the application.
- The proposal exceeds the threshold which requires open space provision to be provided on site and due regard should be given to the requirements of Policy BSC 11.
- The proposal should be considered against and informed by Local Plan Policies ESD 10, ESD 13, ESD 15 and C8 and the constraints on or near to the site taken into account. Matters including public access, routes, views, urban spaces, development frontage, and building heights should be considered. Impacts on ecology and biodiversity as well as on the Conservation Area will also be relevant to consider. Neighbourhood Plan Policy PD4 identifies that development proposals within the plan area must demonstrate sensitivity to the important views and vistas and that proposals which cause significant harm to any of these views will only be acceptable where the benefits of the proposal clearly outweigh any harm. Development proposals must also be designed such that there is no adverse impact on the sensitive skylines. The policy states that applicants for development in or adjacent to a Conservation Area must produce a Heritage Impact Assessment. It explains that development should not harm the Conservation Area and its setting, other heritage assets, or historic street and village views and longer distance vistas. The policy refers to maps, diagrams and tables in the MCNP and other documents. Proposals will need to be assessed against these policy requirements and the requirements of Policy PD5 which is concerned with building and site design and PD6 in terms of light pollution.
- The Council is currently working on the review of the adopted Cherwell Local Plan 2011-2031 (Part 1) which will cover the period to 2040. This plan is the more appropriate context for the detailed consideration of this large site for residential development. The site has been submitted to the Council in response to its 'Call for Sites' in September 2020.
- In conclusion, the proposed development is contrary to the adopted development plan as the application site is not allocated for development in the Plan. However, as the Council cannot demonstrate a five-year housing land supply, in accordance with the NPPF, any assessment of the residential proposals will need to apply the 'tilted balance'. Due regard should be had as to the implications for the comprehensive masterplan. The proposal should not undermine the Policy Villages 5 development principles. The proposal will need to be considered carefully against Local Plan and Mid-Cherwell Neighbourhood Plan policies to determine the sustainability and impacts including the visual impact, the impact on the

	landscape, natural and historic environment and on infrastructure and traffic generation.
Policy Recommendation	In principle planning policy objection.