

6<sup>th</sup> May 2022

Mr Andrew Lewis  
Principal Planning Officer  
Major Projects Planning Team  
Development Management Directorate  
Environment and Place  
Cherwell District Council  
Bodicote House  
Bodicote  
Banbury  
OX15 4AA

Dear Mr Lewis,

**RE: APPLICATION FOR OUTLINE PLANNING PERMISSION (“THE PLANNING APPLICATION”) FOR THE ERECTION OF UP TO 230 DWELLINGS AND THE CREATION OF A NEW VEHICULAR ACCESS FROM CAMP ROAD AND ALL ASSOCIATED WORKS WITH ALL MATTERS RESERVED APART FROM ACCESS ON LAND AT OS PARCEL 1570 ADJOINING AND WEST OF CHILGROVE DRIVE AND ADJOINING AND NORTH OF, CAMP ROAD HEYFORD PARK (LPA REFERENCE 21/04289/OUT)**

I write on behalf of Dorchester Living Limited in relation to the above planning application. The application site lies within the administrative area of Cherwell District Council, as does the adjacent Heyford Park, which is an evolving and sustainable settlement which is being delivered by the Dorchester Group of Companies.

**Dorchester Living Limited formally OBJECTS to this application for the reasons set out in this letter and accompanying Appendices.**

#### INTRODUCTION

The planning application was received by the LPA on 29<sup>th</sup> December 2021 and validated on 4<sup>th</sup> April 2022. The applicants are K & S Holford, A & S Dean, N Giles & A Broadberry with the company name being Richborough Estates, Lone Star Land Ltd. The application seeks outline planning permission for the erection of up to 230 dwellings, creation of a new vehicular access from Camp Road and all associated works with all matters reserved apart from access.

Heyford Park is the subject of an allocation for a comprehensive mixed-use development within Policy Villages PV5 of the Adopted Cherwell Local Plan 2011-2031 (the latter hereafter termed as “CLP”). The Proposals Map of the CLP shows the spatial extent of policy PV5 (including “areas with additional potential for development”). Whilst the application site abuts the “areas with potential for development” it is not allocated for development.

The illustrative masterplan submitted with the planning application shows the relationship of the application site, delineated in red, with adjacent land parcels. In addition, the application masterplan also notates two further applications, namely 15/01357/F and 21/03523/OUT for 89 and 31 dwellings respectively, with associated infrastructure. These applications are presently undetermined, but both have resolutions for approval subject to the prior completion of planning Obligations. Both parcels are denoted as having “potential for development” on the Local Plan CLP Proposals Map.

The application is accompanied by an Environmental Statement, which follows a request for a Screening Opinion from the LPA in December 2021. The applicants contend that it is unlikely that the proposal will result in significant effects, either in isolation or in cumulation with other development in the area. As such, a Screening Direction was requested on 8th February 2022 from the Secretary of State under Regulation 5(6) of the EIA Regulations.

It is understood that a Screening Direction has not yet been received. However, an EIA has been undertaken for the Proposed Development, considering the potential cumulative effects in combination with the development planned through Policy Villages 5 within the Cherwell Local Plan 2011 – 2031 Part 1, and reported within the ES.

Heyford Park also benefits from a resolution to grant planning permission for outline planning permission for up to 1,175 new dwellings (Class C3); 60 close care dwellings (Class C2/C3); 929 m2 of retail (Class A1) and a number of additional elements subject to the prior completion of a Planning Obligation. The development is to be delivered by Dorchester Living Limited. Its southern extent is shown on the application masterplan.

The application the subject of 18/00825/HYBRID was reported to Committee and the associated Planning Obligation is well advanced. Planning permission is anticipated in the next 4 -5 weeks.

The Councils Annual Monitoring Report of December 2021 relates to the period from 1<sup>st</sup> April 2020 to 31<sup>st</sup> March 2021. The LPA housing requirement against which delivery and supply is measured is presently set out in the adopted CLP.

According to the AMR, the District presently only has a 3.8-year housing supply for the period 2021-2026 (equating to a shortfall of 1864 dwellings) and a 3.5-year housing land supply for the period 2022-2027 (commencing 1/04/22 and equating to a shortfall of 2255 dwellings).

The applicants state that the LPA cannot demonstrate a 5YLS of deliverable sites and that the ‘tilted balance’ in paragraph 11 of the NPPF is engaged.

#### PLANNING POLICY

Policy Villages 5 (Former RAF Upper Heyford) (“**PV5**”) specifically allocates the 520-hectare site (adjacent to the current application site) for, inter alia, a settlement of approximately 1,600 dwellings (in addition to the 761 dwellings (net) already permitted). Development will include necessary supporting infrastructure, including education 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. A comprehensive integrated approach will be expected by the LPA.

**Appendix 1** contains Policy PV5 in its entirety.

The policy also states that development proposals will be expected to contribute as necessary towards the delivery of infrastructure provision through onsite provision or an appropriate off-site financial contribution to a range of matters, including education, access and movement and utilities.

Policy PV5 also sets a range of ‘key specific design and place shaping principles’ which apply to the allocated site. These principles include avoiding new development on the most historically significant and sensitive parts of the site, by focussing on development to the south of the flying field and on limited greenfield land to the south of Camp Road (and one greenfield area to the north of Camp Road, east of Larsen Road).

In addition, the principles include retention and enhancement of existing Public Rights of Way (“PROW”) and the provision of links from the development to the wider PROW network. In addition, layouts should enable a high degree of integration with development areas within the PV allocation, with connectivity between new and existing communities.

The **Mid Cherwell Neighbourhood Plan (“MCNP”)** are also relevant to this application and are summarised below. The MCNP was prepared in conjunction with a consortium of 11 parishes and a number of relevant stakeholders. The MCNP does not include dedicated policies relating to Heyford Park and a number of its policies specifically exclude development at Heyford Park.

### Assessment

Looking at the AMR and relevant Committee reports, the LPA currently considers that the tilted balance in paragraph 11 of NPPF is currently engaged within Cherwell District. This is not presently challenged, but we reserve the right to monitor and make additional representations on the 5YLS situation.

On this basis, it is accepted that the tilted balance is engaged and therefore permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

In terms of impacts to be weighed in the planning balance, our consultants have undertaken a detailed review of the planning application particulars, including the Environmental Statement. Three reports have been commissioned which are attached as **Appendices 2, 3 and 4** to this letter of representation. Each is summarised in turn and they individually identify significant harms (and indeed unresolved issues) to be assessed in the planning balance.

As a starting point, it is important to reiterate that Heyford Park is an evolving and sustainable settlement. The military use ceased in 1994 and since 1998 the site has accommodated a number of uses in existing buildings, first under temporary planning permissions and latterly under a permanent permission granted on appeal in 2010 and then by subsequent applications. The 2010 permission was for a new settlement of 1075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure. These permissions predated the adoption of the CLP.

The scheme the subject of planning application 18/00825/HYBRID was assessed against the numerous criteria in site specific policy PV5, including the site-specific design and place shaping principles and represents a high quality, sustainable and inclusive development. Officers found the proposals policy compliant and relevant conclusions from the Officer report on application 18/00825/HYBRID to Committee on 5<sup>th</sup> November 2020 are summarised as follows.

*“10.1. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the Development Plan unless material considerations indicate otherwise. Government guidance within the NPPF supports the plan-led system and advises that applications that accord with an up-to-date plan should be approved without delay. For the reasons set out in the report, officers have found that the proposals are consistent with the policies of the Development Plan including Policy Villages 5 and the relevant policies of the Mid Cherwell Neighbourhood Plan. As such, the starting point is to approve the application.*

*10.2. It is then necessary to consider whether any material planning considerations indicate otherwise. National planning policy and guidance is one such consideration and includes a presumption in*

*favour of sustainable development. For decision taking, this means approving proposals that accord with an up-to-date development plan without delay. In this case, and as explained through this appraisal, the relevant Policies of the Development Plan are considered to be up to date.*

- 10.3. The application proposes housing and employment uses that are considered to accord with the uses for which the site is allocated for by Policy Villages 5. The provision of housing would contribute to the District's Housing Land Supply and this, as well as the provision of affordable housing weighs in favour of the proposal. The delivery of additional high quality employment opportunities is also considered to be a significant benefit of the proposal.*
- 10.4. The impact of the proposal has been assessed taking into account all other material planning considerations. It is acknowledged that there will be effects caused by traffic on the surrounding highway network. However, measures can be put in place to mitigate the impact of traffic (which can be secured via the required legal agreement) meaning that a severe highway impact will not result. In addition, the proposal seeks to implement measures to ensure sustainable transport is promoted including contributions towards local public transport and infrastructure to serve it as well as good walking and cycling links both within the site and to the wider area including Bicester. On this basis, the proposal is considered to comply with Policies Villages 5, SLE4 and the NPPF.*
- 10.5. The site has significant heritage value and careful consideration has been paid to the Masterplan to ensure that the distribution of uses across the site, as well as their overall impact, can be accommodated to preserve designated heritage assets. In this case, some less than substantial harm is identified to some aspects of the heritage constraints at RAF Upper Heyford, predominantly by the need for development on the Flying Field. However, Officers are content that those impacts have been appropriately responded to base upon the parameters proposed through this application and also through the requirement for later design work to ensure a suitable, sympathetic response to development. In addition, Officers consider that there are significant public benefits from the proposed development such that any less than substantial harm would be outweighed by those benefits in accordance with the NPPF. On this basis, Officers consider the proposal to comply with Policies Villages 5, ESD15 of the CLP 2031 and Policy C11 of the Cherwell Local Plan 1996. “*

In contrast to the planned growth and emphasis on sustainable development required by policy PV5, which would be delivered by 18/00825/HYBRID, the current application is a speculative response to the LPAs current 5YLS situation. In addition, the application has not been the subject of any pre-application discussion or consultation with the Dorchester Living, particularly in relation to connectivity and integration into Heyford Park. In effect, a single vehicular access would be formed onto Camp Road without any associated vehicular, pedestrian or cycle linkages to adjoining development, much of it which benefits from Council resolution to approve.

Whilst the lack of connectivity point is further amplified by our consultants (Stantec) later in this representation, the net result of the proposal would be an insular, self-contained, island of residential development poorly related to the established pattern of development at Heyford Park.

Turning to the consultants' reports, **Appendix 2** comprises a Briefing Note relating to landscape assessment by Pegasus Group. This confirms that the submitted LVIA places undue reliance on a coarsely drawn plan contrary to site survey findings and consultation responses, and in doing so downplays its landscape value and sensitivity.

The site retains an intrinsic agricultural character comprising pasture enclosed by hedgerows with wet corridor and trees and so would not 'benefit' from 'reconstruction'. Given the agricultural function of the site with wet corridor as noted in the LVIA, and that it lies outside of and displays a contrasting landscape character to the former airbase, it is considered that the LVIA places undue reliance on dated coarse-grained mapping and underplays the inherent landscape value of the site. In addition, formation of the new junction with Camp Road will require removal of notable sections of hedgerow which is at odds with the LVIA, which relies on the screening effects of the established hedgerow to diminish visual effects on Camp Road receptors.

Whilst the proposed development is submitted in outline, it is EIA development, and the extent and height of proposed built form is defined by the Parameter Plans. A review of the Photosheets reveal several anomalies that cast doubt on the understanding of the location and extent of the site and proposed development and robustness of the visual assessment.

Given that this is for EIA development that is clearly defined by height and locational parameters, a higher level of visualisation is required to support and demonstrate visual effects so that the local planning authority and the public can corroborate the findings of the LVIA and make informed decisions. The Briefing Note identifies what additional information is required to update the LVIA so to enable the LPA to robustly assess the application, which comprises EIA development. At present, it is considered that the LPA cannot safely make a determination on the submitted information.

**Appendix 3** comprises a Technical Note by Stantec regarding the applicants Transport Assessment (TA). This review confirms that the submitted TA contains a number of material omissions, highlighted as follows. Taken together, the numerous matters identified require urgent re-consultation between the LPA and the Highway Authority.

- An assessment of the B430 / Ardley Road junction has not been undertaken. An assessment of the same junction was requested by Oxfordshire County Council (OCC) for the PV5 allocation and proportionate mitigation has been agreed for this location as a result of this.
- A review of the multi-modal trip generation of the site has not been undertaken.
- Stantec consider it reasonable that the development is asked to undertake an assessment of its impact on local villages, as was undertaken for the PV5 allocation. This assessment should account for the direct impact of traffic associated with the proposed development and also traffic re-assigning as a result of congestion on the network. A proportionate contribution could then be sought by OCC towards traffic calming measures for specific locations where appropriate.
- It is noted that the assessment of the development has been based on the full suite of mitigation for Heyford Park having been delivered. This is patently not the case.
- Stantec suggest that the practicality of providing a foot / cycleway to the west of the site access junction should be explored in order to provide an acceptable pedestrian and cycle strategy allowing for an offroad cycle route between the wider Heyford Park development area and Chilgrove Drive.
- The proposed site will benefit from the investment in services proposed as part of the PV5 allocation and therefore it is considered reasonable that either an equivalent contribution per dwelling is sought from this development or on the basis that no further improvements are proposed (and therefore the cost of providing the service remains the same), that the contribution secured from PV5 is reduced to take into account the contributions delivered by this development. As it stands, the TA commits to a contribution towards public transport of £1,051 whereas the PV5 allocation equates to £1,800 per dwelling

- The car and cycle parking proposals for the development have not been included within the TA.
- Stantec suggest that the practicality of providing a foot / cycleway to the west of the site access junction should be explored to provide an acceptable pedestrian and cycle strategy. If deliverable, this would allow for an off-road cycle connection through to the wider Heyford Park development area. There is the potential for the path to be continued through the Pye proposals to tie into the proposed foot / cycleway on the southern side of Camp Road in the approximate location of Trenchard Close.

**Appendix 4** comprises a Heritage Briefing Note from Pegasus which follows a review of the ES and the Built Heritage Statement. In effect, Pegasus confirm that, contrary to the applicant's case, the site contributes to the significance of the Conservation Area by reinforcing its military character and sense of isolation. Given that the proposals will see development brought right up to the boundary of the Conservation Area, in a location which is currently characterised as open agricultural land, this will inevitably have an impact on the setting and thus significance of the Conservation Area.

Whilst the detailed design of the houses in closest proximity to the Conservation Area boundary is not known at this stage, the illustrative masterplan shows them as being standard domestic scaled dwellings which do not respond to the prevailing character of the Conservation Area. In other locations where development is proposed to interface directly with the Cold War character of the Conservation Area, the design of new structures has needed to draw on the prevailing military character of the Conservation Area. The proposals fall far short of this and would be entirely incongruous additions to the setting of the Conservation Area.

If additional housing were to be required at Heyford Park, there are less-sensitive locations within the wider vicinity of the Conservation Area, which would have a much less stark impact on the open character of the surrounds of the Conservation Area which should be considered first.

In conclusion, we would submit that the adverse impacts associated with this proposal would demonstrably outweigh any alleged benefits, when assessed against the policies in the NPPF taken as a whole. Consequently, we would respectfully request that the application is refused.

Please do not hesitate to contact me if you have any queries.

Yours faithfully,

Neil Cottrell

Planning Manager

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**LIST OF APPENDICES**

APPENDIX 1 POLICY PV5

APPENDIX 2 LANDSCAPE BRIEFING NOTE BY PEGASUS

APPENDIX 3 TECHNICAL NOTE BY STANTEC

APPENDIX 4 HERITAGE BRIEFING NOTE BY PEGASUS