

Camping Site  
Heyford Leys Farm  
Heyford Leys  
Upper Heyford  
Bicester  
OX25 5LU

15/01446/F

**Case Officer:** Andrew Lewis                      **Ward(s):** Fringford And Heyfords

**Applicant:** Mr Liberty Durant

**Ward Member(s):** Cllr Ian Corkin , Cllr James Macnamara, Cllr Barry Wood

**Proposal:** Change of use for extension to mobile home park onto adjoining caravan site (Heyford Leys Camping Park)

**Committee Date:** 7 July 2016                      **Recommendation:** Refuse

**Referral Reason** - Major Application

## 1. Application Site and Locality

- 1.1 The site of the application measures approximately 0.1 hectares and is currently used by touring caravans and for camping. It is largely open and grassed with a number of buildings including a former stone barn (permission granted in 2014 for conversion to 2 dwellings), prefabricated concrete and rendered buildings that serve as office, shop, storage and toilets for the existing use. The site has hedging and several attractive trees.
- 1.2 It is located to the east of the former RAF Upper Heyford base on the south side of Camp Road. On its eastern boundary is the Duvall Mobile Home Park and it is the owner of this site that is seeking permission to expand. The main part of this site has a long standing use as a permanent residential park on which it is understood there were 48 homes although in 2014 its extension was approved for an additional 9 park homes on land within its curtilage but which had been used as open space by the residents.
- 1.3 To the south is the sewage treatment plant that serves the former base. Its shares access to Camp Road with the residential park and application site. Surrounding the caravan/camping/application site, mobile home park and treatment plant are open fields which give it a degree of separation from the main settlement. Approximately 650 metres to the south is a public footpath (Route code 388/4/40; route number 4) which has a clear view of the application site across open countryside.

## 2. Description of Proposed Development

- 2.1 The application site has recently been modified and its boundary now relates to that authorised for caravanning and camping. This reduces the number of homes proposed from 34 to 25. A stone building would be retained as an office but all other buildings demolished. Access would be the existing entrance to Camp Road but the new homes would be served from their own extended drive. The homes would be single storey and similar in appearance

to the latest park homes on the adjacent site. They would be sited on a concrete hardstanding with a dedicated parking space. All appear to be two bedroomed from the information provided and the intention is they are occupied by residents of 55 years of age or older. It is understood the southern end of the site would be retained as communal open space.

2.2 The application has been supported by a considerable amount of documentation including:

- Planning Statement
- Environmental assessment
- Ecological Statement
- Flooding and Drainage assessment
- Transport Statement

### 3. Relevant Planning History

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
CHS/665/79X	Residential caravan site for 47 caravans/mobile homes	PER
96/00094/F	Change of use from agricultural land to caravan/parking bays complete with electrical hook-up points for 22 touring caravans. Enlargement of access.	PER
95/00130/F	Extended permission for existing hardstanding area to situate 16 touring caravans for accommodation to persons working in the local area	PER
00/00176/F	Non-compliance of Condition 1 of Planning Permission 96/00094/F, to continue the use of the land for the siting of 22 touring caravans	PER
00/00177/F	Use of land for siting 12 touring caravans (as amended by Applicant's letter dated 12th July 2000 and Site Plan received 2nd May 2000)	PER
00/02332/F	Use of land for siting 12 touring caravans without compliance with condition 4 of planning permission 00/00177/F relating to provision of toilet / shower facilities	REF
01/01838/F	Non compliance with Conditions 3 and 4 of CHS.665/79X. To continue the use of the land for residential mobile homes	PER
02/02290/F	Relaxation of Condition 1 of 00/00176/F and 00/00177/F. To allow the use of the land for the siting of touring caravans to be	PER

permanent

06/00551/F	Revised site layout to achieve site license compliance, an increase in caravan numbers and enhanced landscaping (Variation of condition 5 of CHS 665/79)(as amended by plan received 05/05/06 with agents letter dated 04/05/06)	WDN
07/00083/F	Revised site layout to achieve site license compliance, an increase in caravan numbers and enhanced landscaping (Variation of condition 5 of CHS 665/79). Resubmission of 06/00551/F	REF
14/00830/F	Change of use of land for siting of mobile homes	PER
14/00372/DISC	Submission of details to comply with conditions 3, 7, 11 and 12 of planning permission 14/00830/F	PER

#### 4. Response to Publicity

- 4.1 The application was publicised by way of neighbour notification letters and a notice displayed near to the site. The comments raised by third parties are summarised as follows:

##### 45 Heyford Leys:

- My concerns are, there are already over a 1000 houses being built here and the disruption dust and noise is horrific.
- A mobile home park is meant to be a place of peace and tranquillity; we are losing this and with additional units will lose more.
- Will dogs be allowed? There are no dogs allowed currently on this old site yet dogs are allowed on Mr Durant's new projects. The walls are thin and barking dogs would be another disruption.
- How many units is Mr Durant proposing to site?
- What about the local wild life and large mature trees? We are losing more and more because of Mr Durant's extensions and the Dorchester and Bovis groups. None of this has been mentioned and we have had no information on the extent of this proposal.

##### Duvall Park Resident

- The landlord has a number of unresolved planning issues. This includes failing to address known flooding problems from the installation of the park homes adjacent to the main car park at the site entrance. This is known by the council to be a breach of his site license.
- The landlord has made little attempt to discharge condition 3 of planning application 14/00372 even though he has completed the building works and is currently trying to fill the vacant plots.
- Whilst the area does not fall within a floodplain, it is known by the residents to suffer from flooding problems. This is probably aggravated by the site owners' refusal to provide adequate drainage for surface water as required by section

27 of his site license. I would suggest as a minimum the council should insist that the above issues are resolved as a condition of any future planning application (including this one if it is granted).

- In my view for planning application 14/00372 the council did not give enough consideration to the differences between siting park homes and houses. Park homes are built on a concrete base, whilst steel jacks, support a steel frame. This makes them far more susceptible to damage (corrosion to the support frame) than a standard brick built building. The gap between the bottom of the park home and the base is normally enclosed within a brick built frame, which could easily retain water increasing the likelihood of corrosion. Even minor flooding on a frequent basis could result in substantive structural damage to a park home within a few years.
- I understand that several of the existing tenants suffer flooding problems in heavy storms. Building the concrete bases for this application as well as the bases for planning application 14/00372 would reduce drainage and consequentially raise this flooding level. This would affect any new tenants, existing tenants and adjacent land identified for “potential for additional development identified under policy villages 5”, unless suitable additional drainage is provided. Failing to give careful consideration to these problems, could leave the council facing a litigation case for damages if any of these problems are realised.
- The new proposal does not provide enough additional visitors car parking space, especially to the south westerly end of the proposed plans.
- There is no provision within the application for compliance with the 10% recreational area. I would presume that the suggestion of using the land to the north east of the site as recreational land would negate this requirement. However, this is private land owned by the Dorchester Group. I understand from their site office that whilst they have no immediate plans for this land, they have confirmed that it will not be used for recreational land open to the public. Since there is no suitable recreational facilities available provide for the public, then the plan should be amended to provide a 10% recreational area in accordance with section 30 of the site license.
- The land in question does not fall within development land as defined by the councils “local plan”.
- There is already an extensive area assigned within the “local Plan” for development. Given the scale and complexity of the development, the council will face considerable opposition in implementing these plans. Concerns include the impact on transport, infrastructure and the rural nature of surrounding villages, will be raised. Additional substantive development adjacent to a major development site will only antagonise the situation even further. This development could easily give any opposition grounds to challenge, amend or delay the implementation of the “local Plan” for the area.
- The application is based on the premise of providing low cost housing primarily for the elderly. In view of this, if the council wish to consider this application, it should be tailored to suit this requirement. I would suggest that the council should give consideration to the following:
  - The application should be predominantly, or limited to, 2 bedroom properties. Most retirement properties are for one or two people only.
  - The selling price should be limited to a suitable price band to reflect the low cost housing requirement this application is aim at providing.
  - The site rent should be in line with the current site rental charges that are currently being charged for the rest of the site.

Solicitor on behalf of adjacent landowner: objects to lack of notification (by applicant)

Dorchester Group (Owners of former RAF Upper Heyford) Object:

- Development of greenfield land
- Outside the allocated development site (Policy Villages 5)
- If it was appropriate for development the site would be allocated (in Policy Villages 5) so it is unacceptable in principle.
- Council has 5 year housing land supply-this development is not necessary and should not be considered on its own merits (reference policy H18 of the CLP)
- Adjacent to proposed development site but outside the defined limits of Upper Heyford
- Development relies on extant policies being considered out of date.
- Policy Village 5 requires a comprehensive integrated approach to development. A masterplan is under consideration. Development of this site would conflict with that sustainable approach to development and would not support appropriate infrastructure.
- The masterplan led approach would be undermined by this development
- The proposal does not consider the risks to wider environmental improvement strategies and future access arrangements.
- There are some errors with the submission. The accompanying Environmental Statement fails to acknowledge the adjacent waste treatment plant. Notice has not been served on Dorchester who have an interest in the access road and other land within the red line application site boundary

## **5. Response to Consultation**

5.1 Parish/ Town Council: The Upper Heyford Parish Council strongly objects to the change of use for this site. A holiday camping and caravan site is an ideal use for this site, particularly as the community grows and the Heritage Centre and associated programmes are fully implemented. The addition of high density mobile homes is not needed and will further exacerbate the potential traffic problems on Camp Road. The plans for the site also encroach on a right of way road not owned by the applicants and restricts both agricultural access and access to sewage works to the south of the site.

### 5.2 Cherwell District Council:

- Waste/Recycling Officer: Happy with proposals
- Public Protection: If this planning permission is granted the site owner will need to apply to the Public Protection team for an amendment to his current caravan site licence. The licence will be subject to compliance with licence conditions which are in line with those that apply to the existing site.
- Landscape Architect: I have no objection in principle of the COU but am concerned about the retention of adequate tree and hedge screening to the mobile homes in respect of Heyford Park residencies to the to the northwest and west of the site. The sites western boundary structural vegetation is to be retained for this reason. However western (curvilinear) boundary near the substation requires a hedgerows and trees to ensure sufficient visual impact mitigation is achieved.  
It is important for the applicant to provide a comprehensive tree and hedgerow survey in accordance with BS5837. Trees and hedgerows within an influencing distance of the development i.e. the position of mobile homes on the south eastern boundary are too close to the hedgerow and trees, resulting in physical damage to canopy and root systems. Furthermore light reduction to windows and garden space along with shade

problems, and physical encroachment of branches will cause residents to complain, resulting in the removal of sections of hedgerow and trees. The layout of the mobile homes should be revised to rectify this issue, and perhaps the number of units should be reduced to achieve this. A similar problem occurs on the western boundary; the units should be pulled back from hedgerow and trees. Root protection areas and the extent of the protective fencing is to be indicated.

For the conditions hard and soft landscape proposals are required, along with hedgerow retention and minimum maintenance height restrictions (3m for the western hedgerow and 2 m for the interior hedgerow/eastern boundary).

- Ecology Officer: The ecological report for the application is fine and I concur with its conclusions. There are no major ecological constraints and the proposed mitigation and enhancements may well result in a net gain for biodiversity on site in the long term when the new hedgerow is mature.

I would suggest conditioning the method statement within the report (however please note the figures they refer to are incorrect (should refer to figures 7 & 8 not 6 & 7) which includes a repeat bat survey if the works do not proceed by May 2016. Lighting on site should be as minimal as possible and directed away from all boundary vegetation to ensure the value of the installed bat boxes is maintained. There needs to be some idea of how the landscaping on site will be managed to maximise biodiversity benefit, maybe in a LEMS or this could be combined in any landscaping condition.

- If permission is granted I would recommend the following conditions:
  - K19 Ecology: Compliance with submitted details
  - K11 Nesting Birds: No works between March and August
- Tree Officer: No objections
- Strategic Planning and the Economy:
  - Saved Policy H18 (Adopted Local Plan, 1996) restricts development beyond the built up limits of settlements save for agricultural purposes and rural exception sites. The policy intention is to ensure countryside is protected from sporadic development. Policy Villages 2 on the new Local Plan does not provide for development in this location. Policy Villages 5 provides for a new settlement at Former RAF Upper Heyford within defined limits. A comprehensive integrated approach is required. The application site lies outside the defined area. Whilst there are existing and planned services and facilities at Heyford which could serve the proposed development, the proposal would effectively extend the allocated site and result in a more permanent form of development in an area of countryside.
  - Key aims of the Local Plan include meeting housing needs of all sections of Cherwell's communities, improving the affordability of housing and improving availability of housing to newly forming households in rural areas. This proposal would assist in achieving these aims, providing housing opportunities for new and existing residents.
  - The applicant's supporting statement indicates that there is a limited supply of park homes in the area and a high demand for this type of accommodation illustrated by many of the plots in the recently approved extension to the Park (14/00830/F) been already sold. The applicant also notes the potential contribution of park homes towards meeting local housing need in Cherwell given that park homes sell at a 'substantial' lower cost than similar 'bricks and mortar' properties in the same housing market area.
  - However, there is no pressing need for additional housing land to be brought forward at this time. The five year land supply was comprehensively reviewed for the 2014 Annual Monitoring Report which was published on 31 March 2015. The AMR concluded that the district has a 5.1 year supply of deliverable sites for the five year period 2015-2020 (commencing on 1 April 2015). The five year land supply which includes a 5% buffer has been confirmed by a recent appeal

decision at Kirtlington (Appeal ref: APP/C3105/W/14/3001612). The presumption in favour of sustainable development, as advised by the NPPF, will therefore need to be applied in this context.

- Neither the NPPF nor PPG presently include low cost market housing within the definition of affordable housing. However, the proposal should be considered in the context of its potential to contribute to aims of Local Plan Policy BSC4 subject to other policies in the Development Plan.
- It is noted that the site is already used as a caravan site. The detailed impact of the proposed development including the impact on the Conservation Area and on the on-going preparation of a Masterplan for the RAF Upper Heyford site will need to be considered.
- However, from a planning policy perspective, there is no current, pressing need to release additional land for a permanent form of housing contrary to Development Plan policy and resulting in the loss of an area of countryside. The extent of any harm, in this location, would nevertheless require detailed examination.
- Objection on policy grounds
- Business Support Unit Manager  
Neutral. It is estimated that this development has the potential to attract New Homes Bonus of approximately £136,160.64 over 6 years under current arrangements for the Council, with an additional sum payable per affordable home.

### 5.3 Oxfordshire County Council:

#### **Key issues**

- The development proposal is unlikely to have a significant impact on the capacity of the immediately surrounding road network.
- Contributions will be required towards the improvement of bus services and infrastructure.
- A Travel Plan Statement will be required.
- The road layout requires improvement and clarification.

#### **Transport Strategy**

The development site is outside of the Upper Heyford allocation in the Local Plan, and is not therefore constrained by the need to await the impending masterplan for that allocation.

#### **Transport Development Control**

The planning application is accompanied by a Transport Statement (TS). The TS refers to traffic impact thresholds in the Department for Transport Guidance on Transport Assessment in asserting that a Transport Assessment is not required. It should be noted that this guidance no longer prevails and has been replaced by Travel plans, transport assessments and statements in decision-taking as set out on the DfT website.

The TS refers to a traffic survey that was carried out at the development, although no details of survey location or methodology are presented. The trip generation estimates for the development presented are very low, but do accord with those that would result if the national standard TRICS database category of “Retirement Flats” were to be used.

However, if the TRICS database category of “Houses Privately Owned” then estimated trip generation increases to 18 vehicles in the AM peak hour and 19 vehicles in the PM peak hour. This is considered to be a worst case scenario which makes no adjustment for trip generation from the existing camp site use. Should this level of trip making prevail it would still be unlikely to have a significant impact on the capacity of the immediately surrounding road network.

## **Public Transport**

Residents will require access to bus services to Oxford and to Bicester, to access various services (including employment, education, retail, medical and social) in these centres. Bus service 25A currently operates approximately once per hour between Bicester, Upper Heyford and Oxford.

Bus service 25A is currently supported financially by the County Council, and is at risk of termination of contract in 2016. This route is currently listed as under threat by the current Council consultation into the potential withdrawal of operating subsidies. The contract for this service is currently linked to other local routes in the Bicester area, so it's difficult to disaggregate the economics of the 25A service from the overall contract value.

However, a Section 106 agreement was agreed between the Heyford Park developer, Dorchester Group, and the County Council to sustain and make improvements to bus services from Upper Heyford. Arrangements will therefore be made to ensure continuation of bus services from Upper Heyford. The Council will endeavour to procure as good a service that can be obtained with the finance available.

Developers along the 25A route, between Upper Heyford and Bicester and between Upper Heyford and Oxford, are required to make proportionate Section 106 payments on the basis of fairness and transparency between developers, also to add to the available Section 106 funding, and so secure the future bus service for additional years of future operation. The ultimate aim is that the bus service should operate in a fully commercial manner, without subsidy. However, it is expected that pump-priming payments to the operator will be required for a number of years.

The nearby bus stops on Camp Road are not officially recognised since they do not appear in the national databases. It appears that two information cases have been affixed to a lamp post and a fence respectively. The developer will be required to rectify this situation by funding a pair of pole/flag/information case units.

## **Travel Plans**

The development is of a size that will require a Travel Plan Statement to be submitted. This will need to be prepared using the Oxfordshire County Council Travel Plan Statement template.

## **Road Agreements**

The proposal does not show appropriate turning heads at the ends of the main access roads. These need to be provided and tracked for safe manoeuvring for larger bin lorries. The runnable carriageway section within the square layout next to the office reception block needs to be clearly demarcated with a kerb line to avoid unauthorised parking obstructions. It is not clear whether the main access road is shared or segregated. This needs to be clarified.

## **Drainage**

The Flooding and Drainage assessment states they may use Detection Basins if soak-aways aren't viable. It is suspected that this is a typing error and should read "detention basins".

OCC will need to see the results of any site soil infiltration investigations and the method of surface water drainage being utilised as a result of those investigations.

Until such time the surface water strategy cannot be confirmed so therefore must be conditioned.

## **Recommendation**

No objection subject to conditions

## **Legal agreement required to secure**

Section 106 contribution of £1,000 per additional residential dwelling unit towards the cost of procuring improved bus services between Upper Heyford and Bicester and between Upper Heyford and Oxford.



Section 106 contribution of £2,000 towards the cost of establishing approved bus stops on Camp Road, in the vicinity of Heyford Leys Farm, to include the installation of two bus stop pole/flag/information units.

**Conditions**

D10 Estate Accesses, Driveways and Turning Areas

D15 Parking and Manoeuvring Areas Retained

D16 Details of Turning for Service Vehicles

D19 Cycle Parking Provision

The developer to initiate the process for establishing the approved bus stops on Camp Road through arranging a Site Meeting with interested representatives.

A Travel Plan Statement will be required in support of this application. This will need to be submitted for approval by the Travel Plan Team at Oxfordshire County Council before first occupation.

A Travel Information Pack for all new residencies will also be required. This will be sent to the Travel Plan Team at Oxfordshire County Council for approval before first occupation

Archaeology

**Key issues:**

The site is located in an area of archaeological potential 300m west of the prehistoric Aves Ditch and in an area where Anglo Saxon burials and Iron Age settlement has been recorded. A programme of archaeological investigation will need to be undertaken ahead of any development on the site.

**Detailed comments:**

The site is located in an area of archaeological potential 300m west of 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. 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.

A Romano-British settlement site has been recorded to the north of this proposal and a series of cropmarks identified as a possible Iron Age or Roman settlement complex have been recorded to the east of the site. A number of burials have been recorded in the vicinity and a possible Anglo Saxon cemetery has been recorded within the area of the site.

We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction. This can be ensured through the attachment of a suitable negative condition as suggested above.

**Recommendation:**

No objection subject to conditions

**Conditions (if approved):**

1. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2012).

2. Following the approval of the Written Scheme of Investigation referred to in condition 1, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of

archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2012).

**Informatives:**

If the applicant makes contact with us at the above address, we shall be pleased to outline the procedures involved, provide a brief upon which a costed specification can be based, and provide a list of archaeological contractors working in the area.

**Education**

OCC would not seek s106 contribution towards additional school places provided any permission granted is subject to a condition that all occupants of any dwelling, including mobile homes, must be 55 years old or above. OCC reserves the right to seek a contribution if the condition is removed or amended.

If this condition is removed, the following contributions would be required:

- £135,046 Section 106 developer contributions towards the expansion of Heyford Park Free School, by a total of 11.66 pupil places. This is based on Department for Education (DfE) advice weighted for Oxfordshire, including an allowance for ICT and sprinklers at £11,582 per pupil place. This is index linked from 1st Quarter 2012 using PUBSEC Tender Price Index.
- £141,477 Section 106 developer contributions towards the expansion of Heyford Park Free School by a total of 8.04 pupil places (including 1.02 sixth form places). This is based on Department for Education (DfE) advice for secondary school extension weighted for Oxfordshire and including an allowance for ICT and sprinklers at £17,455 per pupil place and £18,571 per Sixth Form pupil place. This is index linked to 1st Quarter 2012 using PUBSEC Tender Price Index.

**Property**

Recommendation: No objection subject to conditions

Key issues:

The County Council considers that the impacts of the development proposal (if permitted) will place additional strain on its existing community infrastructure.

Legal Agreement required to secure: Library book stock £850.00

Conditions:

The County Council as Fire Authority has a duty to ensure that an adequate supply of water is available for fire-fighting purposes. There will probably be a requirement to affix fire hydrants within the development site. Exact numbers and locations cannot be given until detailed consultation plans are provided showing highway, water main layout and size. We would therefore ask you to add the requirement for provision of hydrants in accordance with the requirements of the Fire & Rescue Service as a condition to the grant of any planning permission

Informatives:

Fire & Rescue Service recommends that new dwellings should be constructed with sprinkler systems

### **Social & Health Care - Day Care Facilities**

This development is served by Bicester Day Centre and this development will place additional pressures on this adult day care facility. To meet the additional pressures on day care provision the County Council is looking to expand and improve the adult day care facility in Bicester Day Centre

Contributions are based upon a new Day Care centre offering 40 places per day (optimum) and open 5 days per week; leading to an equivalent costing of £12,607 per place at 4th Quarter 2014 price base (this in non-revenue). Based on current and predicted usage figures we estimate that

1% of the over 65 population use day care facilities. Therefore the cost per person aged 65 years or older is £126.

The contribution for the provision of adult day care infrastructure in respect of this application would therefore be based on the following formula:

**£126 x 42.5 (the forecast number of new residents aged 65+) = £5,355.00**

### Minerals & Waste

#### **Recommendation:**

No objection

#### **Key issues:**

The proposed development would sterilise deposits of limestone within the application site and could affect deposits in adjoining land. It therefore needs to be considered against Oxfordshire Minerals and Waste Local Plan policy SD10. In view of the location of the site and the constraints on and uncertainty relating to the possible working of these mineral deposits, any additional mineral sterilisation that would result from the proposed development is not considered to be sufficiently significant to justify safeguarding the limestone deposits within the site against built development.

#### 5.4 Other External Consultees:

- Environment Agency: We have assessed this application as having a low environmental risk and we have no comments to make on the above proposal.

- Thames water Utilities:

##### Water Comments

- The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend the following condition be imposed: Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point. Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

##### Supplementary Comments

- Based on the understanding the sewage from this site will drain to the private Sewage Treatment Works, Thames Water have no concerns. However, if at any point this development will require connection to the public sewer we request further consultation is sought.

## 6. Relevant National and Local Planning Policy and Guidance

### 6.1 Development Plan Policies:

The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan.

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

#### Cherwell Local Plan 2011 - 2031 Part 1

PSD1	Sustainable development
ESD15	The Character of the Built and Historic Environment
ESD 13	Local Landscape Protection and Enhancement
VIL1	Village Categorisation
VIL2	Distributing Growth Across the Rural Areas
VIL5	Former RAF Upper Heyford
BSC 3	District wide Housing distribution
BSC4	Housing Mix

#### Cherwell Local Plan 1996 (Saved Policies)

H18	New dwellings in the countryside
TR7	Development attracting traffic on minor roads
ENV1	Development likely to cause detrimental levels of pollution
C8	Sporadic development in open countryside
C28	Layout, design and external appearance of new development
C30	Design of new residential development
C31	Compatibility of proposals in residential areas
C33	Maintain gaps to preserve character

### **Other Material Planning Considerations**

#### National Planning Policy Framework (The Framework) (NPPF)

The NPPF at paragraph 14 states ‘At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking’....For decision taking this 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 permission unless;
- Any adverse impact 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

#### Planning Practice Guidance (NPPG)

## 7. Appraisal

Officers' consider the following matters to be relevant to the determination of this application:

- Planning Policy and the Principle of Development
- Five Year Housing Land Supply
- Design, layout and Visual Impact
- Ecology
- Flooding and Drainage
- Traffic and Transport
- Heritage matters
- Planning Obligation

### Planning Policy and Principle of Development

- 7.1 The Development Plan for Cherwell District comprises the recently adopted Cherwell Local Plan 2011-2031 and the saved policies in the Adopted Cherwell local Plan 1996. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the Local Planning Authority shall have regard to the provisions of the development plan, so far as is material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.
- 7.2 The site in question is not allocated for development in any part of the development plan, and it falls outside of the built up area of Upper Heyford being clearly separated from the settlement by a field. Development at Heyford is covered by Policy Villages 5 and this site was not considered to be suitable for development. (The adjacent field comes within the land allocated for development by Policy Villages 5 and is currently subject to a masterplan exercise that is being undertaken for the whole of that policy area.) Quite clearly this proposal fails to comply with the Local Plan policy as the site does not lie within the built up limits of the settlement and in doing so conflicts with Policy ESD13 of the Local Plan that seeks to protect and enhance local landscapes.
- 7.3 The applicant has argued strongly that this proposal meets the criteria set out in the NPPF and the Local Plan to meet the housing needs of the elderly and low cost accommodation. They point out the elderly are the main occupants of Park Homes particularly as they enable residents to downsize and the accommodation is "affordable". There is a limited supply of park homes in the area and a high demand for this type of accommodation is illustrated by many of the plots in the recently approved extension to the Park (14/00830/F) being already sold. The applicant also notes the potential contribution of park homes towards meeting local housing need in Cherwell given that park homes sell at a 'substantial' lower cost than similar 'bricks and mortar' properties in the same housing market area. Those Park Homes recently erected on the authorised site to the site were sold quickly and at low cost. It is a key aim of the Local Plan to meet housing needs of all sections of Cherwell's communities, improving the affordability of housing and improving availability of housing to newly forming households in rural areas. It is accepted to some degree this proposal would assist in achieving these aims, providing housing opportunities for new and existing residents but neither the NPPF nor PPG

presently include low cost market housing within the definition of affordable housing. However, the proposal should be considered in the context of its potential to contribute to aims of Local Plan Policy BSC4 subject to other policies in the Development Plan.

### **Five year land supply**

- 7.4 The latest housing figures for Cherwell District Council have shown it has exceeded its five year land supply and can robustly defend against speculative development. The annual monitoring report for 2014/ 2015 undertook a comprehensive review of housing land supply as at December 2015. The figures showed that over three consecutive years Cherwell has continued to exceed its five year land supply due to an increase in housing construction and can now demonstrate a 5.1 year supply for 2014-2019; a 5.3 year supply for 2015-2020 and a 5.6 year supply for 2016-2021.
- 7.5 The Cherwell Local Plan outlines the preferred sites for 22,840 homes and 200 hectares of employment land between 2011-2031. Figures from the annual monitoring report showed 2,052 homes had been completed between 2011 and 2015, of which 946 were built during the 2014/2015. Of those completed over the past financial year, 44 per cent were built on previously developed land and 191 were marketed as affordable, including 22 self-build homes. It is expected that between 2015 and 2020, 9,034 new homes will be built and by 31 March 2021, 12,824 homes will have been built across the district over a ten year period. This equates to an approximate average of 1,282 homes per annum which exceeds the annual requirement of the adopted Local Plan 2011-2031 of 1,142 per annum.
- 7.6 Heyford is seen as a strategic development site by the Local Plan and was envisioned as a point of growth when the policy was drawn up. 1600 dwellings and 1500 jobs are proposed there under Policy Villages 5. This site is not allocated for development in the relevant policy nor is it seen as suitable for development being outside the built up area. By having the five year land supply means we can continue to protect villages and rural areas from overdevelopment by concentrating housing projects on the edge of existing towns and urban areas. Allowing this development would detract from this edge of countryside site and undermine the overall strategy of the Local Plan to direct housing to the most sustainable locations in the district.
- 7.7 Paragraph 14 of the NPPF makes it clear that there is a presumption in favour of sustainable development and that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits of it and also the harm that would be caused by a particular scheme in order to see whether it can be justified. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the Framework. It is also necessary to recognise that Section 38 of the Act continues to require decisions to be made in accordance with the development plan and the Framework highlights the importance of the plan led system as a whole.

## **Design, Layout and Visual Impact**

- 7.8 The application proposes a regular, formal layout of park homes either side of a new access road on its own plot each with a dedicated parking space. As mentioned above the applicant has volunteered to reduce the size of the application site retaining the southern part as open space and reducing the number of homes proposed from 34 to 25. The homes are obviously prefabricated structures and will be brought to the site and fitted on to a concrete base. There appear to be two main designs of the homes. Internally they are similar and provide 2 bedroomed accommodation. Externally they are single storied with a shallow pitched tiled roof and rendered appearance.
- 7.9 The site has a current use for touring caravans and camping. The applicant argues this makes the site brownfield and has submitted an appeal decision in support of this view. Obviously no two applications are the same and the appeal decision does not appear to be of a similar form and scale of development and it is in a different type of location so of little relevance. Although accepting the land could be used in a way different from what is normally construed to be “greenfield” Officers do not consider the site’s operation makes it “previously developed” as described in the NPPF to justify its use for residential purposes.
- 7.10 The site is seen as part of the open countryside and contributes to the rural character, quality and amenity of the area. Its open character and extensive views over surrounding countryside also contributes to the amenity value and enjoyment of the public rights of way passing in close proximity to the site.
- 7.11 Saved Policy C7 of the Local Plan states that: Development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape. Similarly Policy C33 states that: the Council will seek to retain any undeveloped gap of land which is important in preserving a view or feature of recognised amenity or historical value. Policy ESD13 of the Local Plan 2011-2013 states that: development will be expected to respect and enhance local landscape character, and Policy ESD15 states that new development should: Contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views.
- 7.12 The Council’s Landscape Officer has considered the visual Impact of the application on the landscape character and amenity of the site and surrounding area, and concludes that: the proposals will result in harm to the landscape character and visual environment. on the grounds it would have a major adverse impact on the amenity value of the landscape and the enjoyment of the public rights of way network. The Parish Council have also raised objections on the grounds of landscape and visual impact. To overcome these objections substantial planting would be required. Whilst requesting more planting, the landscape officer also advises to do so would then result in conflict with the amenities of occupiers of the dwellings as they find themselves overshadowed and their look restricted.
- 7.13 Officers are of the opinion that the proposals would have a major adverse impact on the character, quality and amenity of the area. The development would effectively infill a gap between the waste treatment plant and mobile homes fronting Camp Road detracting from its rural setting, and attractive views across the countryside from the public rights of way to the south. Therefore the proposal would detract from the rural character and setting of Heyford and the area as experienced by local residents, visitors and users of the public rights of way. Officers consider this to be a significant and demonstrable harm to be taken into account in the planning balance.

## **Ecology**

- 7.14 The NPPF – Conserving and Enhancing the Natural Environment, requires at paragraph 109, that, ‘the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures.
- 7.15 Section 40 of the Natural Environment and Communities Act 2006 (NERC 2006) states that every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity and: ‘local Planning Authorities must also have regard to the requirements of the EC Habitats Directive when determining an application where European Protected Species are affected, as prescribed in Regulation 9(5) of the Conservation Regulations 2010, which states that a ‘competent authority’ in exercising their functions, must have regard to the requirement of the Habitats Directive within the whole territory of the Member States to prohibit the deterioration or destruction of their breeding sites or resting places’.
- 7.16 Under Regulation 41 of the conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of the Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict derogation tests are met:-
1. is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature (development)
  2. there is a satisfactory alternative
  3. is there adequate mitigation being provided to maintain the favourable conservation status of the population of the species
- 7.17 Therefore where planning permission is required and protected species are likely to be found present at the site, or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that Local Planning Authorities must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions and also the derogation requirements might be met.
- 7.18 The application is accompanied by an Ecological Survey. Although newts exist in the vicinity of the site none were found upon it. No bats were found in the latest survey in 2015 although in 2012 a single brown long eared bat was evident. If permission was granted further survey work would be required. The Council’s ecologist accepts the report’s findings and welcomes the mitigation package submitted as part of the application that would see provision of bird and bat boxes through the site.

## **Flooding and Drainage**

- 7.19 It is noted that the Council have in the past received complaints from residents about flooding and drainage on the existing Mobile Home Park. However, the site lies within Flood Zone 1 (low risk). A Flood risk assessment has nevertheless been undertaken by the applicants. As the site is in Zone 1 redevelopment of the site for residential development is not precluded. Surface water discharge from the site can be discharged to a new drainage system that can be suds compliant. OCC, the local flood risk authority, will need to see the results of any site soil infiltration investigations and the method of surface water drainage being utilised as a result of further investigations which would need to be conditioned. A separate foul drainage system is understood to be proposed if agreement cannot be agreed



with the public utilities. Neither the Environment Agency nor TWU have any in principle objections.

### **Traffic and Transport**

- 7.20 The highway authority has no objection to the use of the existing access or to the level of parking proposed. They are concerned that some of the internal layout maybe inadequate for service vehicles and require a condition be imposed to test the tracking for such vehicles. A travel plan is also requested by condition, if permission is granted.
- 7.21 However, the site's isolated rural location and the level of traffic likely to be generated are of concern. A Transport assessment has been produced but the Highway Authority are aware from studies previously carried out to test development impact from implementation of Policy Villages 5 it is clear the capacity of the surrounding network will be impacted adversely by further residential development. Mitigation is required to improve capacity of nearby junctions and the highway infrastructure. Improvements are also required to the public transport network. It is felt mitigation can be achieved but contributions will be required towards the improvement of bus services and infrastructure. Details are highlighted in the County Council response and the applicant has been informed. He has agreed in principle to make the required contributions.

### **Heritage Issues**

- 7.22 The site is in close proximity to the RAF Upper Heyford Conservation Area but sufficient distance not to have a significant impact upon it. There are no above ground heritage assets. However, the site is located in an area of archaeological potential 300m west of the prehistoric Aves Ditch and in an area where Anglo Saxon burials and Iron Age settlement have been recorded. A programme of archaeological investigation will need to be undertaken ahead of any development on the site and if permission were granted a condition is recommended.

### **Planning Obligations**

- 7.23 The proposal generates a need for infrastructure and other contributions to be secured through a planning obligation to enable the development to proceed. The draft Supplementary Planning Document (SPD) relating to the requirements was considered by the Council's Executive in May 2011 and was approved as interim guidance for development control purposes.
- 7.24. New development often creates a need for additional infrastructure or improved community services and facilities, without which there could be a detrimental effect on local amenity and the quality of the environment. National Planning Policy sets out the principle that applicants may reasonably be expected to provide, pay for, or contribute towards the cost of all or part of the additional infrastructure/services. Obligations are the mechanism used to secure these measures.
- 7.25 In respect of planning obligations, the NPPF advises at paragraph 204 that they should be sought where they meet all of the following tests:
- necessary to make development acceptable in planning terms
  - directly related to the development; and
  - fairly and reasonably related in kind and scale to the development
- 7.26 Having regard to the above, the Heads of Terms relating to the additional development would include contributions towards infrastructure improvements and for bus service

support/ bus stop, and improvement to social services and library provision. Significant education contributions were sought by the County Council but these would not be required if the applicant as part of any legal agreement restricted occupation of the dwellings to residents not less than 55years of age.

## **Engagement**

- 7.27 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application. It does need to be recorded that the applicant has followed our normal procedures and protocols and engaged in pre-application discussions. Unfortunately at that time CDC could not demonstrate a 5 year housing land supply. Since the receipt of the application, circumstances have changed and as set out above, the 5 year housing supply can now be demonstrated and the need for further dwellings or this form of Park Home scheme are no longer required. Furthermore, it would also seem that whilst the applicant submitted this application, the adjacent land to the west has now been allocated for residential development under Policy Villages 5. The application is also willing to meet, in principle, the financial contributions sought by the County Council and to agree to restrict occupation of residents to the age of 55 or older.

## **8 Conclusion**

- 8.1 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development: which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. These dimensions should not be considered in isolation, but should be considered jointly and simultaneously, taking local circumstances into account. In practice this means that a planning balance exercise should be undertaken to determine if, taken as a whole, the adverse impacts of the proposal identified above are outweighed by the benefits such that it could still be considered sustainable development.
- 8.2 The proposed development would undoubtedly deliver social benefits in terms of meeting housing need, including the provision of on-site low cost housing for the elderly. There would be economic benefits arising from the contribution of future residents to the local economy, and environmental benefits arising from the proposed enhancements to biodiversity. Nevertheless, it is clear that there would also be a number of significant and demonstrable adverse social, environmental impacts resulting from the development. In summary these are an expansion of new housing to Upper Heyford causing harm to the rural character and quality of the new settlement, erection of dwellings outside of the settlement confines, undermining a more balanced distribution of housing growth across the rural areas, and the effect on the countryside setting and harm to the rural landscape character of the area. Also, there is no signed completed legal agreement that would be acceptable to secure the necessary planning obligations to mitigate the anticipated infrastructure impacts of the development, and the provision of affordable housing.
- 8.3 In the context of the Council being able to demonstrate an up-to-date 5 year housing land supply there is a not an overriding need for additional sites (such as the application site) to be released for housing now. Therefore the weight to be afforded to the benefits of delivering housing is reduced. In conclusion, when considering the economic, social and environmental impacts of the development as a whole, officers consider the limited benefits of the proposal are significantly and demonstrably outweighed by the adverse impacts such that planning permission should be refused for the reasons set out below.

## 9. Recommendation

Refuse, for the following reasons:

- 1 The proposed development would be outside the built up limits of RAF Upper Heyford, a designated strategic site for development in the Cherwell Local Plan 2011-2031, and within the open countryside. Taking into account the amount of new housing development already planned to take place at Upper Heyford and the Council's ability to demonstrate that it has a current 5 year housing land supply, the development is considered to be unnecessary, undesirable and unsustainable new housing development that would harm the rural character and setting of Upper Heyford and would prejudice a more balanced distribution of the rural housing growth planned for in the Cherwell Submission Local Plan. Therefore the proposal is considered unacceptable in principle and conflicts with Policy Villages 5 of the Cherwell Local Plan Part 1, and Saved Policies H18 of the Cherwell Local Plan (1996), the NPPF in particular paragraphs 7, 8, 9, 10, 14 and 17 and the PPG.
  
- 2 The proposed development by virtue of its intrusion into the open countryside, loss of open land, backland position, and the setting of the village and the enjoyment of views from the nearby rights of way. the proposed development is considered to cause considerable, unnecessary and unjustified harm to the setting of Upper Heyford and to the surrounding countryside.. There are no public benefits which would outweigh this harm. The proposed development would therefore be contrary to Policy Villages 5, Policy ESD13 and ESD15 of the Cherwell Local Plan Part 1, Saved Policy C28, C30 and C33 of the Cherwell Local Plan (1996) and advice in the NPPF in particularly particular paragraphs 7, 17, 75, chapter 7 and chapter 12.
  
- 3 By reason of the lack of a satisfactory completed s106 legal agreement to secure contributions to the community services and infrastructure that would be directly affected by the development, the Local Planning Authority cannot be satisfied that the impacts of the development in these respects can be made acceptable. Therefore the proposal conflicts with Policies BSC3 and INF1 of the Cherwell Submission Local Plan, the NPPF in particular paragraphs 17, 203 and 204 and section 6 'Delivering a wide choice of high quality homes', and the PPG.

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