

<b>Application No:</b> 10/01778/F	<b>Ward:</b> The Astons and Heyfords	<b>Date Valid:</b> 16.12.2010
<b>Applicant:</b>	Dorchester Heyford Park Group Ltd	
<b>Site Address:</b>	Buildings at Heyford Park, Camp Road, Upper Heyford	

<b>Proposal:</b>	Change of use of former Military Buildings to Business (Class B1), Industrial (Class B2), Storage and Distribution (Class B8), Retail (Class A1), Nursery/Training Centre (Class D1) (as specified in the submitted Schedule of Potential Planning Uses)
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<b>1. Site Description and Proposal</b>	
1.1	The application site for this proposal covers part of the former RAF/USAF Upper Heyford base. It is identified on the appended site plan and measures approximately 13.59 hectares in size, the Heyford base being approximately 505 hectares in total.
1.2	The base was designated a conservation area in 2006, its primary architectural and social historic interest being its role during the Cold War. The nature of the site is defined by the historic landscape character of the distinct zones within the base. The designation also acknowledges the special architectural interest, and as a conservation area, the character of which it is desirable to preserve or enhance and provides the context and framework to ensure the setting and appearance of sections of the Cold War landscape are preserved. This application is largely within the Technical Area but extends to the south of Camp Road to include the shop and nursery in the Domestic and Residential section, as defined within the Conservation appraisal.
1.3	In the appraisal, the character of the Technical Area is described as:  <p style="text-align: center;">“... characterised by the ‘campus’ layout of deliberately sited, mix function buildings, in an open setting with organised tree planting. The variation in building type is both a function of their differing use and the fact that there has been continual construction within the site as part of the different phases of development within the airbase. The setting of the 1930s aircraft hangers in an arc on the northern edge of the site provides a visual and physical edge to the site. The access to the Technical Site is dominated by Guardroom (100) and Station Office (52). To the east of these is the impressive 1920s Officers’ Mess(74) set within its own lawns. The style of these 1920s, red brick, RAF buildings is British Military.”</p>

1.4	<p>Only two buildings at Heyford are statutorily protected. They are buildings 126 and 129, the Battle Commend Centre and the Hardened Telephone Exchange and both are Scheduled Ancient Monuments. They are located in the Technical Area just outside the application site. Neither is directly affected by this application.</p> <p>Within the application site there are 2 buildings that have been identified as making a positive contribution to the Conservation Area neither of which are subject of a specific proposal:</p> <ul style="list-style-type: none"> <li>• Guardhouse (Building 100)</li> <li>• Type A Aircraft hangar (Building 151)</li> </ul>																					
1.5	<p>In terms of the uses on site, the military use ceased in 1994. Since 1998 it has effectively functioned as a self contained settlement under the ownership first of the North Oxfordshire Consortium and for the last two years by the current applicants, the Dorchester Group. In that period the base has created approximately 1,000 jobs and homes for around 750 residents.</p>																					
1.6	<p>Within the technical area there are a number of established businesses undertaking a wide range of operations. The major A type aircraft hangers are used for general industrial and storage, primarily for car processing, but other buildings contain more modern high tech offices with research and development. There are also a wide range of workshops in some of the smaller premises. South of Camp Road, the retail store and nursery are amongst a number of community buildings including church, play group and community centre. These are surrounded by residential dwellings.</p>																					
1.7	<p>The current application is seeking planning permission to retain or change the use of 28 buildings on site for a temporary period of 10 years pending the redevelopment of the site in line with the scheme amended from that approved in 2010 (allowed on appeal-see planning history below) for a new settlement of up to 1075 dwellings with associated infrastructure. Committee resolved to grant planning permission for a new settlement (application 10/01642/OUT) in March this year.</p>																					
1.8	<p>The following table is a schedule of the proposed uses for each building:</p> <table border="1" data-bbox="319 1713 1444 2027"> <thead> <tr> <th data-bbox="319 1713 718 1758"><b>Building No.</b></th> <th data-bbox="718 1713 1133 1758"><b>Potential Planning Use</b></th> <th data-bbox="1133 1713 1444 1758"><b>Floor Space (m<sup>2</sup>)</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="319 1758 718 1803"><b>32a /33/34</b></td> <td data-bbox="718 1758 1133 1825">B2/B8 – General Industrial / Storage &amp; Distribution</td> <td data-bbox="1133 1758 1444 1803">4735</td> </tr> <tr> <td data-bbox="319 1825 718 1870"><b>35</b></td> <td data-bbox="718 1825 1133 1892">B2/B8 – General Industrial / Storage &amp; Distribution</td> <td data-bbox="1133 1825 1444 1870">745</td> </tr> <tr> <td data-bbox="319 1892 718 1937"><b>36</b></td> <td data-bbox="718 1892 1133 1937">B1 – Business</td> <td data-bbox="1133 1892 1444 1937">88</td> </tr> <tr> <td data-bbox="319 1937 718 1982"><b>53</b></td> <td data-bbox="718 1937 1133 1982">B1 – Business</td> <td data-bbox="1133 1937 1444 1982">253</td> </tr> <tr> <td data-bbox="319 1982 718 2027"><b>56</b></td> <td data-bbox="718 1982 1133 2027">B1 – Business</td> <td data-bbox="1133 1982 1444 2027">25</td> </tr> <tr> <td data-bbox="319 2027 718 2072"><b>59</b></td> <td data-bbox="718 2027 1133 2072">B1 / B8 – Business / Storage</td> <td data-bbox="1133 2027 1444 2072">530</td> </tr> </tbody> </table>	<b>Building No.</b>	<b>Potential Planning Use</b>	<b>Floor Space (m<sup>2</sup>)</b>	<b>32a /33/34</b>	B2/B8 – General Industrial / Storage & Distribution	4735	<b>35</b>	B2/B8 – General Industrial / Storage & Distribution	745	<b>36</b>	B1 – Business	88	<b>53</b>	B1 – Business	253	<b>56</b>	B1 – Business	25	<b>59</b>	B1 / B8 – Business / Storage	530
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		& Distribution	
<b>65</b>		B1 – Business	212
<b>66</b>		B1 – Business	539
<b>68</b>		B1 – Business	316
<b>73</b>		B2/B8 – General Industrial / Storage & Distribution	101
<b>79</b>		B2/B8 – General Industrial / Storage & Distribution	163
<b>86</b>		B2 – General Industrial	432
<b>88</b>		B2 – General Industrial	400
<b>101/102</b>		B1 / B2 – Business / General Industrial	543
<b>103</b>		B2 – General Industrial	340
<b>106</b>		B2/B8 – General Industrial / Storage & Distribution	2166
<b>115</b>		B1 – Business	221
<b>117</b>		B1 – Business	384
<b>118</b>		B1 – Business	132
<b>119</b>		B1 – Business	86
<b>132</b>		B1 – Business	114
<b>133</b>		B1 – Business	1946
<b>146</b>		B2/B8 – General Industrial / Storage & Distribution	150
<b>157</b>		B8 – Storage and Distribution	239
<b>442</b>		D1 – Nursery / Training Centre	975
<b>492</b>		A1 - Retail	616
1.9	This table sets out total floorspace for each use:		
	<b>Use Class</b>	<b>Total Floor Space</b>	
		<b>(m<sup>2</sup>)</b>	
	<b>A1</b>	616	
	<b>B1</b>	4316	
	<b>B1 / B2</b>	543	
	<b>B1 / B8</b>	530	
	<b>B2</b>	1172	
	<b>B2 / B8</b>	8060	
	<b>B8</b>	239	
	<b>D1</b>	975	

## 2. Application Publicity

2.1 The application was advertised in the press and by site notice. It was clear for determination on 10<sup>th</sup> February 2011. One comment has been received:

2.2	<p><u>The Oxford Trust for Contemporary History</u></p> <p>Development should be limited to what is necessary to secure heritage interests. An obligation should be placed on the applicant that all rents in excess of those necessary to maintain the site pending a lasting arrangement contribute to a fund to conserve the heritage interest.</p>
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3. Consultations	
3.1	<u>Lower Heyford Parish Council</u> : No objection
3.2	<u>Steeple Aston Parish Council</u> : No objection
3.3	<u>Middleton Stoney Parish Council</u> : No objection
3.4	<u>Ardley with Fewcott Parish Council</u> : No objection (Still require traffic calming as agreed under the main permission)
3.5	<u>Upper Heyford Parish Council</u> : No objection
3.6	<u>English Heritage</u> : Do not wish to comment
3.7	<u>South Northamptonshire District Council</u> : No objection
3.8	<u>Sport England</u> : No comments
3.9	<u>Natural England</u> : No comments
3.10	<u>Environment Agency</u> : The proposal has a low environmental risk
3.11	<u>British Waterways</u> : Important to have sustainable transport and to link to Lower Heyford and the railway station using canal towpath.
3.12	<u>SEEDA</u> : The continued use of these buildings for employment uses is welcomed as they provide valuable low cost buildings for a variety of business uses.
3.13	<u>Health and Safety Executive</u> : No objection
3.14	<u>Highways Agency</u> : Have directed conditions are attached to any permission but following discussions these are now withdrawn.
3.15	<u>Oxfordshire County Council (as Strategic Planning Authority)</u> :

	“In determining the application we would expect your Council to take full account of relevant policies in the SE Plan. We would also expect you to take account of the strategic objectives of Oxfordshire 2030 relating to building on Oxfordshire’s vibrant economy.”
3.16	<u>Oxfordshire County Council (as Minerals Authority):</u> No objection
3.17	<u>Oxfordshire County Council (as Highway Authority):</u> No objection (although clarification is being sought on some of their comments)
3.16	<p><u>Internal Comments:</u></p> <p><u>Aboricultural Officer:</u> No objection</p> <p><u>CDC- Head of Planning Policy and Economic Development:</u> Not a site to which the South East Plan would normally direct employment due to its unsustainable location but Policy H2 of the OSP allows development as an exception where environmental improvements are proposed and in the interests of heritage. Historically temporary uses have been permitted pending the lasting comprehensive development of the site. The proposed uses seem to be compatible with the CRPB for the site but concerned about allowing new uses and for 10 years as it may be a disincentive to develop the site.</p> <p><u>CDC Conservation Officer:</u> Concerned that allowing temporary permission for 10 years will be a disincentive to undertake the approved comprehensive scheme.</p> <p><u>Ecology Officer:</u> Potential for bat roosts in some of the buildings</p>

<b>4. Relevant Planning Policies</b>	
4.1	<p>National Planning Guidance contained in:</p> <ul style="list-style-type: none"> <li>• PPS1-Delivering Sustainable Development</li> <li>• PPS4-Planning for Sustainable Growth</li> <li>• PPS5-Planning for the Historic Environment</li> <li>• PPS7-Sustainable Development in Rural Areas</li> <li>• PPS13-Transport</li> </ul>
4.2	<p><u>Regional Spatial Strategy for the South East (The South East Plan) 2009</u></p> <ul style="list-style-type: none"> <li>• CC7: Infrastructure and Implementation</li> <li>• CC1/CC2/CC4: Sustainable Development</li> <li>• NRM11: Energy Efficiency/Renewable Energy</li> </ul>

	<ul style="list-style-type: none"> <li>• BE6: Management of the Historic Environment</li> <li>• RE3 Employment</li> <li>• T4: Parking</li> <li>• T7: Rural Transport</li> </ul>
4.3	<u>Oxfordshire Structure Plan 2016 (OSP)</u> <ul style="list-style-type: none"> <li>• Saved Policy H2-Upper Heyford</li> </ul>
4.4	<u>Adopted Cherwell Local Plan 1996 (ACLPL)</u> <ul style="list-style-type: none"> <li>• C23: Conservation Areas</li> <li>• C18: Historic Buildings</li> <li>• TR1: Transportation Measures</li> <li>• TR7: Traffic on Minor Roads</li> </ul>
4.5	<u>Non Statutory Cherwell Local Plan (NSCLP)</u> <ul style="list-style-type: none"> <li>• UH1, UH2, UH3, and UH4-Upper Heyford</li> <li>• TR1-TR3 Transport Travel</li> <li>• TR3 Mitigation</li> <li>• TR5 Road Safety</li> <li>• TR6 Public Transport</li> <li>• TR8 Cycling/Walking</li> <li>• TR16 Large vehicle Traffic</li> <li>• TR36 Traffic in rural Areas</li> <li>• D7 Mixed Uses</li> <li>• EM1/EMP4 Employment</li> <li>• EN1/EN2 Environmental Protection</li> <li>• EN7 Noise</li> <li>• EN46 Heritage-Enabling Development</li> <li>• OA1/OA2 Community Development-Heyford</li> </ul>
4.5	In addition: <ul style="list-style-type: none"> <li>• Planning Obligations Interim Planning Guidance (April 2007 and 2011)</li> <li>• RAF Upper Heyford Conservation Area -Designated April 2006</li> <li>• RAF Upper Heyford Comprehensive Planning Brief (SPD adopted 5<sup>th</sup> March 2007) (RCPB)</li> </ul>

<b>5 Planning Policy and the Development Plan</b>	
5.1	<u>Background</u>
5.2	As Committee will be aware, these are changing times in which applications to develop land are being considered, both nationally and locally. However, the main policy issues over the fundamental matter of whether to allow

	development, any development, at Heyford have been resolved. A short explanatory background is required however to put the current application into context and to set out the relevant development plan policies applicable.
5.3	<u>South East Plan (SEP)</u>
5.4	On 27 May 2010, the Secretary of State wrote to Local Planning Authorities highlighting the new Government's intention to " <i>rapidly abolish regional strategies and return decision making powers on housing and planning to local councils</i> ". He stated that he expected authorities to have regard to the letter as a material consideration in any decisions they are currently taking.
5.5	The Court of Appeal recently considered the weight to be given to the intention to remove RSS in <i>R (CALA Homes (South) Ltd) v Secretary of State for Communities and Local Government (No2)</i> ; Ref: EWCA Civ 639; Date: 27 May 2011. The Court rejected CALA's claim that the Government's abolition plans could never be a material consideration. The weight to be given to the Government's abolition plans is a matter for the local planning authority as decision maker. The Localism Bill is not yet at an advanced stage through the legislative and environmental assessment process, which affects the weight to be given to the Government's abolition plans. The RSS remains part of the development plan and therefore decisions should be in conformity with it unless other material considerations outweigh its policies.
5.6	<u>Oxfordshire Structure Plan</u>
5.7	The Structure Plan (OSP) which had effectively been replaced by the SEP included, unusually for such a strategic document, a site specific policy for Upper Heyford. This policy, H2, was saved by the SEP and remains in place despite the proposed revocation of the regional plan. Although the thrust of the OSP was to direct development towards urban centres, paragraph 7.7 of the Structure Plan advises that; "Land declared surplus by the Ministry of Defence at the former airbase at Upper Heyford represents an opportunity to achieve an appropriate balance between environmental improvements to a rural part of Oxfordshire, conservation of the heritage interest from the Cold War, and reuse of some existing buildings and previously developed land located in the former technical and residential areas of the base." Policy H2 required the development of the base to be in accordance with a comprehensive development brief for the site.
5.8	<u>The Revised Comprehensive Planning Brief 2007 (RCPB)</u>  The purpose of the RCPB was to elaborate on and provide guidance supplementary to Policy H2 of OSP 2016. It was adopted as a SPD in March

	<p>2007. While it does not form part of the statutory development plan, it expands on and supplements OSP 2016 Policy H2. The SPD was prepared in accordance with the requirements set out in the version of PPS 12 (Creating Local Development Frameworks and the accompanying companion guide) current at the time of its development and adoption. The RCPB 2007 SPD is a significant material consideration in the processing of planning applications concerning the site at the former RAF Upper Heyford airbase.</p>
<p>5.9</p>	<p>The Brief specifically intends to assist in the quality delivery of:</p> <ul style="list-style-type: none"> <li>• a settlement of about 1,000 dwellings as a means of enabling environmental improvements, conservation of the site’s heritage interests while achieving a satisfactory living environment;</li> <li>• necessary supporting infrastructure for the settlement including primary school</li> </ul> <p>appropriate community, recreational and employment opportunities</p> <ul style="list-style-type: none"> <li>• conservation of heritage interest</li> <li>• environmental improvements including site wide biodiversity enhancement;</li> <li>• journeys by foot, cycle or public transport – rather than by car;</li> <li>• minimisation of the development’s impact of traffic on the surrounding road network.</li> </ul>
<p>5.10</p>	<p>The RCPB sets out the vision for the site and identifies the seven elements set out below;</p> <ol style="list-style-type: none"> <li>i) The construction of the new settlement on the former technical core and residential areas, retaining buildings, structures, spaces and trees that contribute to the character and appearance for the site and integrating them into high quality place that creates a satisfactory living environment.</li> <li>ii) A community that is as sustainable as possible, in the provision of community facilities and in balancing dwellings and employment opportunities, given the site’s location</li> <li>iii) The creation of a satisfactory living environment within and around the new settlement, integrating the new community in to the surrounding network of settlements by reopening historic routes and encouraging travel by means other than private car as far as possible.</li> <li>iv) The preservation of the stark functional character and appearance of the flying field beyond the settlement area, including the retention of buildings of national interest which contribute to the area’s character (with limited, fully justified exceptions) and sufficient low key re-use of these to enable appropriate management of this area.</li> <li>v) The achievement of environmental improvement within the site and of views of it to include the removal of buildings and structures that do not make a positive contribution to the special character or which are justified on the grounds of adverse visual impact, including in proximity to the proposed settlement, together with limited appropriate landscape mitigation, enhancement of</li> </ol>



	<p>ecological interest and reopening of historic routes.</p> <p>vi) The conservation and enhancement of the ecological interest of the flying field through appropriate management</p> <p>vii) Visitor access, controlled where necessary, to and interpretation of the historic and ecological assets of the site</p>
5.11	<p><u>Adopted Cherwell Local Plan 2001 (ACLP)</u></p> <p>The Cherwell Local Plan was adopted in November 1996. Although the plan was intended to cover the period to 2001 it remains part of the Statutory Development Plan. The Cherwell Local Plan was adopted shortly after the former airbase was declared surplus and therefore does not have any policies specifically in relation to the site.</p>
5.12	<p><u>Non Statutory Cherwell Local Plan 2011 (NSCLP)</u></p> <p>The Non Statutory Cherwell Local Plan (NSCLP) was originally produced as a replacement for the adopted local plan. The plan was subject to first and second draft deposit stages and pre-Inquiry changes were incorporated. However the decision was taken by the Council to discontinue work on the plan on the 13 December 2004 and withdraw it from the statutory local plan process as there was no realistic prospect of it being adopted prior to Government changes to the planning system coming into force which would have prevented its subsequent adoption. However to avoid a policy void, the Non Statutory Cherwell Local Plan 2011 (NSCLP) was approved by the Council as interim planning policy for development control purposes on the 13 December 2004. The NSCLP therefore does not form part of the statutory development plan. As such, it is of reduced weight but as interim planning policy it is a material consideration in the consideration of the current application.</p>
5.13	<p>The NSCLP 2011, contains four specific policies, UH1-4, relating to the former airbase.</p>
5.14	<p><u>Conservation Area Appraisal</u></p> <p>The RAF Upper Heyford Conservation Area was designated in April 2006. A Conservation Area Appraisal (CAA) was produced for the site and adopted by the Council in April 2006. The CAA includes the historic significance of the site, analyses its character and heritage assets, assess the special interest, negative factor affecting the site and summarises the issues. It describes the site as; 'The landscape setting and hardened concrete structures of the former RAF Upper Heyford have the power to communicate the atmosphere of the Cold War.'</p> <p>The CAA identifies the following key areas in the summary of issues;</p> <p>1. Protection of the Historic Buildings and Landscape</p>

	<p>2. Vulnerability of the site to fragmentation</p> <p>3. Reuse of the retained buildings</p> <p>4. Incorporation of a new settlement</p>
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<b>6 Planning History</b>	
6.1	<p>The former airbase was confirmed surplus to MOD requirements in September 1994 just before the current Local Plan was adopted in 1996. The ACLP does not contain any policies specifically relating to the site. A revised Structure Plan was adopted by the County Council in 1998 and included policy H2 which sought to address the future of the site. Policy H2 identified:</p> <ul style="list-style-type: none"> <li>• the site for a development of about 1,000 dwellings and supporting infrastructure;</li> <li>• that the future of the site be guided by a comprehensive planning brief adopted by the Council;</li> <li>• substantial landscaping and other environmental improvements be provided; and that</li> <li>• the new settlement be designed to encourage journeys by foot, cycle or public transport rather than by car.</li> </ul>
6.2	<p>A Comprehensive Planning Brief (CPB), as required by OSP 2012 Policy H2, was adopted by CDC in 1999. The CPB sought to guide development proposals for the base and included the clearance of all structures located beyond the proposed settlement area and restoration of the land. The CPB included draft Local Plan policies which were adopted for development control purposes.</p>
6.3	<p>In 2005, a revised Structure Plan 2016 was adopted. Policy H2 was retained in an amended form identifying the purpose of development on the site as enabling to deliver environmental improvements, conservation of the heritage interest across the whole site, compatible with achieving a satisfactory living environment.</p>
6.4	<p>In November 2005, a Conservation Plan was produced for the flying field. The plan was jointly commissioned by CDC, EH and North Oxfordshire Consortium (NOC). The plan identified the historic importance of the site as a Cold War landscape and the importance of individual structures on the site. The plan identified greater levels of significance for the site than EH had previously identified. A further assessment of the areas excluded from the Conservation Plan was commissioned by CDC and completed in March</p>

	<p>2006. These studies were used to inform the decision to designate the whole site as a conservation area in April 2006 and the Revised Comprehensive Planning Brief. A Revised Comprehensive Planning Brief was adopted as an SPD in March 2007.</p>
6.5	<p>Over the last 10 years numerous applications have been made seeking permission to either develop the whole site or large parts of it and numerous of them have gone to appeal. The most relevant to the current application, and most recent, was application ref 08/00716/OUT. This outline application proposed: "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 (as amended by plans and information received 26.06.08)."</p>
6.6	<p>Following a major public inquiry that commenced in September 2008 the Council finally received the appeal decision on the above proposed development in January 2010. The appeal was allowed, subject to conditions, together with 24 conservation area consents that permit demolition of buildings on the site including 244 dwellings.</p>
6.7	<p>Although the appeal was lodged on the grounds of non-determination the Council resolved to object to the proposal on several grounds including its failure to conform to the Planning Brief for the site, that the development was unsustainable, the type of employment was inappropriate, transport measures were inadequate to cope with the development, damage to the character and appearance of the conservation area and the information submitted was inadequate or failed to justify the proposal. The reasons for refusing the conservation area consents were either the loss of buildings that contributed positively to the conservation area, that a cleared site would detract from the conservation area and/or their demolition was premature without an approved scheme for redevelopment.</p>
6.8	<p>Due to the scale of the development proposed, the appeal was referred to the Secretary of State for Communities and Local Government for determination. The decision letter from the Secretary of State (SoS) can be read in full on the Council's web site:  <a href="http://cherweb.cherwell-dc.gov.uk/AnitePublicDocs/05757874.pdf">http://cherweb.cherwell-dc.gov.uk/AnitePublicDocs/05757874.pdf</a> .</p>
6.9	<p>The SoS considered there to be three main issues: the policy context for the proposal, with particular reference to the development plan and PPG15; Design Principles and PPS1; and Housing and Sustainability of location.</p>

	There was also a fourth, planning conditions and obligations.
6.10	On policy, the SoS thought the development was in general conformity with the Oxfordshire Structure Plan policy H2 which seeks to provide a community of about 1000 dwellings with schools and employment opportunities, though not the Council's Development Brief for the site, and that it would enable environmental improvements, conserve heritage interests and provide appropriate level of employment. In terms of employment, the SoS recognised that businesses were well established and there were 500 people currently employed in car processing. Economic benefits were a "weighty material consideration" and they did not seem to outweigh the harm to the character of the conservation area. However the Inspector refers to the need to balance heritage interests against exceptional circumstances to justify overriding the presumption to preserve and enhance the conservation area. On reuse of buildings, it was considered their retention would outweigh the breach in the number of jobs limited on the site. Shops would provide a service to the community and the employment would stop Heyford becoming a dormitory town.
6.11	The SoS concluded the development would substantially accord with the development plan, meaning Structure Plan policy H2, little weight seems to have been given to the Council's development brief for the site. A sustainable and reasonable balance was secured between retaining the built and natural heritage, and providing an appropriate and proportionate level of employment in the context of the site's location and access to services. In granting the planning permission, it was therefore felt justifiable to allow the 24 conservation area consents, again subject to conditions. As part of the decision, 71 conditions were imposed on the grant of planning permission and 5 on the conservation consents. In addition to the planning conditions, the applicant is obligated to comply with covenants of which possibility the most significant for the District Council is provision of affordable housing. There are also requirements to provide land and funding for education, open space and community facilities, a heritage centre and to contribute towards improvements to public transport.
6.12	The grant of planning permission authorised many of the uses currently being undertaken at the site and sets out the template for future development. It is however a long way from the end of the story as far as its overall development is concerned. The permission is in outline so details of layout, scale, appearance, landscaping and access (the reserved matters) still have to be submitted and within a period of six years. However, because

	the permission also grants uses which are currently operating on site, there are some much tighter time controlled conditions the information for which has to be submitted within three months of the decision letter. These include issues of ground water protection, contamination, and access routes, together with strategies for parking, lighting, signage, waste and fencing.
6.13	The appeal decision has already been taken into account by the Council as part of its draft core strategy and the development of former RAF Upper Heyford is seen as the major single location for growth in the District away from Banbury and Bicester with most the new housing development scheduled for development in the 2011-2016 plan period. This seems a feasible proposition as the outline permission is now in place.
6.14	One significant change has occurred since the Public Inquiry took place in that the appellant sold the site to the Dorchester Group PLC (DG), the current applicants. They have a different view towards the concept of developing the former base and as part of the change in the applicant's philosophy and attitude towards the development of the settlement area, Committee will recall the application for the permanent change of use of 253 existing military dwellings for residential class C3 (primarily the bungalows) on land south of Camp Road, subject to a section 106 agreement. There was also the application that proposed to revise the settlement area masterplan (ref10/01642/OUT) that was approved by Committee in March. The s106 agreement has not been sealed on that and the permission not yet issued. When this occurs and development commences it is likely to be a 10 year development process hence the current application to cover the intervening period.

<b>7 Appraisal</b>	
7.1	The new scheme raises a number of issues but the main ones are considered to be: <ul style="list-style-type: none"> <li>• The Principle of Development and Compliance with the Development Plan</li> <li>• Employment</li> <li>• Impact on the Conservation Area, Heritage and Environment</li> <li>• S106 Agreement</li> <li>• Access and Highways</li> </ul>
7.2	<b>The Principle of Development and Compliance with the Development</b>

	<b>Plan</b>
7.3	The main thrust of the South East Plan (SEP) was to encourage sustainable development in or adjacent to urban areas albeit that its life span looks to be limited
7.4	<p>The Structure Plan (OSP) which had effectively been replaced by the SEP included, unusually for such a strategic document, a site specific policy for Upper Heyford. This policy, H2, was saved by the SEP and remains in place despite the on/off revocation of the regional plan. The policy states:</p> <p><b><i>Upper Heyford</i></b>  <b><i>H2 a) Land at RAF Upper Heyford will provide for a new settlement of about 1000 dwellings and necessary supporting infrastructure, including a primary school and appropriate community, recreational and employment opportunities, as a means of 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.</i></b>  <b><i>b) Proposals for development must reflect a revised comprehensive planning brief adopted by the district council and demonstrate that the conservation of heritage resources, landscape, restoration, enhancement of biodiversity and other environmental improvements will be achieved across the whole of the former air base in association with the provision of the new settlement.</i></b>  <b><i>c) The new settlement should be designed to encourage walking, cycling and use of public transport rather than travel by private car. Improvements to bus and rail facilities and measures to minimise the impact of traffic generated by the development on the surrounding road network will be required.</i></b></p>
7.5	<p>The supporting text states (para 7.7):  <i>“Land declared surplus by the Ministry of Defence at the former airbase at Upper Heyford represents an opportunity to achieve an appropriate balance between environmental improvements to a rural part of Oxfordshire, conservation of the heritage interest from the Cold War, and re-use of some existing buildings and previously developed land located in the former technical and residential core area of the base. However, the scale of development must be appropriate to the location and surroundings. The County Council is opposed to the development of a large new settlement due to the site’s relatively isolated and unsustainable rural location, the threat of urbanisation in a rural area, the location of the site in relation to Bicester with which it would compete for investment in services and facilities, and conflict with the objectives of Government planning policy in PPG13 to provide accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel by car*. Therefore, the Plan provides for modest development of about 1,000</i></p>

	<p><i>houses. There are about 300 existing houses on the site of which some or all could be retained or demolished, but the total limit of about 1,000 dwellings will be the determining factor. This proposal has been recognised by the First Secretary of State as ‘an exception to normal sustainability objectives as a means of facilitating the remediation of the former airbase to enable the site to present a more environmentally acceptable face than it does now.’</i></p>
7.6	<p>Para 7.8 continues:  <i>“Proposals for development must be in accordance with a revised comprehensive planning brief for the site adopted by Cherwell District Council. Care should be taken to ensure that the heritage interest of the site as an air base with Cold War associations, landscape restoration and biodiversity are all taken into account in deciding appropriate measures.”</i></p>
7.7	<p>The adopted Local Plan is largely silent on Heyford, the non-Statutory Cherwell Local Plan 2011 reinforces OSP H2 setting out in policies UH1-UH4 a large number of conditions requiring compliance in order to seek a comprehensive approach to its development. It set out the need for a Comprehensive Development Brief (CDB) for the site and this was produced and approved as supplementary planning guidance (in a modified form) in 2007.</p>
7.8	<p>Looking slightly further ahead, the Core Strategy identifies the site as providing 1,000 homes but is otherwise rather light with reference to the former base. It also has limited weight compared with the other Plan documents.</p>
7.9	<p>This application in broad terms seeks to regularise the use and retain 28 of the buildings on site in use under a single permission that have over the years been covered by a series of individual temporary permissions. It is not proposing “a lasting arrangement” but seeking to “facilitate the reuse of the buildings pending implementation on this part of the site of an agreed and consented masterplan”. This is made quite clear in the application supporting documents.</p>
7.10	<p>Historically, most of the uses subject of the current application have been authorised by temporary consents granted first in 1995 and renewed by short term permissions ever since. Permissions were granted as an exception to policies on sustainability, to replace employment lost by the closure of the base and to raise revenue for the MoD. It was recognised in the 2007 RCPB that many of these businesses have now become established with a local workforce and therefore need to be handled with a degree of sensitivity. The criteria for considering each case whether new or existing uses are acceptable was set out in the RCPB:</p> <p style="text-align: center;">“i. the use is compatible with the aspirations for the settlement</p>

	<p>ii. the use would not adversely affect residents or other business through noise, traffic movements, requirement for outside storage, working outside normal business hours</p> <p>iii. the use would not have an unacceptable impact on the surrounding landscape, historic interest of the site or nearby villages.”</p>
7.11	<p>Although the applicant has decided to wrap all the individual cases up and seek approval for their continued, or proposed, use under a single umbrella application, their individual merits seem justified on the basis of the criteria in the RCPB. For example, Buildings, 442 and 492, are the existing nursery and shop. Neither is historically important, indeed none of the buildings subject of this application are proposed to be retained in the currently approved masterplan, but in the transitional phase whilst the masterplan is implemented and development commences, they will provide an essential local service to the settlement. This is also in line with policy OA1 of the NSCLP with regard to community uses. It would therefore be non-sensical to resist their retention at least in the short term. Their part of the site is allocated for the new primary school which is unlikely to be developed in the immediate future but should the land be required there are powers under the existing Unilateral Undertaking that allow notice to be served on the Developer requiring the site to be provided. And in the broader sense it is inconceivable that the masterplan for the redevelopment of land south of Camp Road would be prevented by the grant of a temporary permission for these two buildings.</p>
7.12	<p>Elsewhere and north of Camp Road, there are buildings to be retained which have formed homes for a number of commercial businesses for some years and which have expanded into adjoining premises as they become established and then more successful. For example Integration Technology Ltd in Buildings 115, 117, 118, 119 and 133. Such uses (Class B1) and the business operator clearly complies with the criteria laid out in the RCPB. There are one or two other buildings currently unoccupied however, where even though their re-use may not have an adverse effect on the impact of the settlement in terms of residents or business operations their retention and re-use may effect the aspirations of the settlement. The prime example is Building 106. This has a key location at the heart of the technical area and is not a building of any heritage value. If retained in the long term it may well fetter the implementation of the masterplan. The applicants have responded when challenged about the need for such an extended consent that it will give confidence to the investors in the site’s redevelopment and very few of the buildings covered by the permission, if granted, will have extended life spans as it is intended to commence development on the settlement area next year.</p>



7.13	<p><b>Employment</b></p> <p>To make the community sustainable it is necessary to provide employment opportunities and this is set out in OSP H2, RCPB and UH1(iii) of the NSCLP.</p> <p>“The RCPB states: The site is located in an unsustainable location and therefore, if it were not for the proposed dwellings, the site would not be viewed as a suitable location for employment generating development. However, to create a sustainable settlement, the opportunity for employment accessible to the residents should be provided. To maximise the opportunities for residents to work close to where they live a range of employment opportunities will be sought. Employment provision should be within and part of the settlement to enable access by foot and be conveniently served by public transport. The premises could support local services and contribute to the vibrancy and vitality of the settlement.”</p> <p>It goes on to say:  “A RANGE OF EMPLOYMENT OPPORTUNITIES SHOULD BE PROVIDED TO MEET THE NEEDS OF THE RESIDENTS AND THE NUMBER SHOULD REMAIN APPROXIMATELY IN BALANCE WITH THE ECONOMICALLY ACTIVE POPULATION.”</p>
7.14	<p>The RCPB seeks to avoid an over-reliance on one employer and one type of employment. At the moment the car processing operations do provide a stable economic base to the site and probably about a third of the total employment population. However, there is currently a wide range of commercial organisations on site ranging from storage to the police to research and development. They are also accommodated in a wide range of buildings. The RCPB seeks high density employment to make best use of the previously developed site. The current proposal will enhance the commercial mix on site and reduce the reliance on the operations of Paragon.</p>
	<p><b>Impact on the Conservation Area, other Heritage Issues and the Environment</b></p>
7.15	<p>At the last Inquiry for what was, of course, a permanent and more comprehensive scheme and dealing with areas considered to be more sensitive from a heritage viewpoint, the Secretary of State concurred with the Inspector that achieving the preservation of the character and appearance of the Conservation Area through the reuse of buildings, as proposed, would outweigh the harm caused by any increase in employment (although clearly he did restrict the open car processing on the flying field). In fact the focus of the Inquiry was dominated by the flying field rather the settlement area from the heritage perspective.</p>

7.16	Pending the now approved redevelopment of the site it is important to preserve the character and appearance of the Conservation Area and to maintain the buildings within it. The best way to achieve this is for them to be in some form of beneficial use. This would be in line with the latest Government advice, PPS5 Planning for the Historic Environment, which seeks to “conserve England’s heritage assets in a manner appropriate to their significance by ensuring that... wherever possible, heritage assets are put to an appropriate and viable use that is consistent with their conservation.”
7.17	In terms of local policy, policy H2 of the OSP seeks to “provide for a new settlement of about 1000 dwellings and necessary supporting infrastructure, including ... employment opportunities, as a means of enabling environmental improvements and the heritage interest of the site as a military base with Cold War associations to be conserved... The majority of significant heritage assets on site are to be preserved through the main permission and unilateral undertaking secured with it. The buildings subject of the current application are not in themselves of any great import but it is still important to secure environmental improvements in order to comply with the OSP policy and the RCPB. To this end the applicant has now volunteered to start the removal of some of the more extraneous structures on the site starting with the two redundant water towers. Heads of terms have been submitted and these are reproduced below.
7.18	It should be noted that English Heritage has not objected to the proposal.
<b>Access and Highways</b>	
7.19	Whilst the Highway Authority had some initial concerns they now advise there is no material impact, do not object to the development, and do not require any conditions. However, the nature of an application for change of use means that not all the detail to ensure a satisfactory development is always submitted at the outset. Therefore it is recommended that a condition be imposed requiring details on parking for each unit to be submitted.
<b>Section 106 Agreement</b>	
7.20	In the RCPB 2007, it is made clear that “the Council will seek appropriate S106 planning obligation agreements as required to secure the provision of facilities to serve the settlement, appropriate phasing of delivery and the delivery of the requirements of Policy H2.” The applicant has prepared a set of “Heads of Terms” in accordance with normal practice and the Council’s validation requirements. The terms are considered to meet the tests of Government Circular 05/05: Planning Obligations together with the policies and terms set out in the Council’s Local Plan policies and SPD’s.

	<p>The following obligations will be contained within the Agreement:</p> <p>In respect of water tower UH74:</p> <ol style="list-style-type: none"> <li>1. The applicant will undertake to apply to renew the Conservation area Consent for the demolition of UH74 within 1 month of the date of planning permission being granted under application 10/01778/F;</li> <li>2. The applicant will undertake to apply to discharge any pre-commencement conditions for approval by CDC within 2 months of the date of Conservation Area Consent being renewed under item 1 above;</li> <li>3. Once the schemes/details required under relevant pre-commencement conditions under item 2 above have been approved by CDC, the applicant will proceed to undertake the demolition in accordance with those approved schemes/details within 2 months of their approval by the Council, subject to these demolition works being timed so as to coincide with the demolition of water tower 108.</li> </ol> <p>In respect of water tower 108:</p> <ol style="list-style-type: none"> <li>1. The applicant will undertake to apply to discharge conditions no. 2, 3 and 4 of CAC approval 10/01619/CAC by submitting the relevant schemes/details for approval by CDC within 2 months of the date of planning permission being granted under application 10/01778/F;</li> <li>2. Once the schemes/details required under conditions 2, 3 and 4 above have been approved by CDC, the applicant will proceed to undertake the demolition in accordance with those approved schemes within 2 months of their approval by the Council, subject to these demolition works being timed so as to coincide with the demolition of water tower UH74.</li> </ol>
	<p><b>Other Issues:</b></p>
<p>7.21</p>	<p><b>Residential Amenity</b></p> <p>Whilst the proposal integrates commercial activity with residential development in line with the guidance contained in the NSCLP and PPS3, the issue of residential amenity has to be a major consideration bearing in mind the industrial operations likely to be undertaken in proximity to the proposed residential buildings. On balance however there is unlikely to be any direct effect to justify refusal of permission, particularly when the uses closest to housing have been in operation as such for some 15 years.</p>
<p>7.89</p>	<p><b>Protected Species</b></p> <p>The advice of the Ecology Office and Natural England are set out above.</p> <p>The Environmental Statement submitted with the masterplan assesses the site as low nature conservation value. However three buildings have been identified as possible roosts for bats. These are in use already so no change is envisaged. An informative can be put on the permission advising the application that any alterations to the building may need to be licensed.</p>

	<p>It is considered that art.12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development. The proposal therefore accords with PPS9 and policies C2 and C4 of the Adopted Cherwell Local Plan.</p>
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8.0	<b>Conclusion</b>
	<p>Although the permission sought is longer than would normally be granted for a temporary period, Upper Heyford is not a normal development site. The permissions are in place to create a lasting and permanent arrangement but because of the size and scale of the proposal it is likely to be a 10 year project. In the intervening period and in the present economic climate the developer requires a security for the business uses operating from the base. From the Council's viewpoint, it is important that the site is maintained during this period and prospect of dereliction avoided. The best way to do this is considered to be allowing temporary uses of those buildings which in line with the masterplan will eventually be phased out, demolished and redeveloped. The application is therefore recommended for approval subject to conditions and s106 agreement.</p>

<b>Recommendation</b>	
<b>Approval</b> subject to:	<ul style="list-style-type: none"> <li>▪ the conditions set out below and</li> <li>▪ the applicant entering into a section 106 agreement with the District Council as outlined above</li> <li>▪ The applicant entering into a routing agreement for commercial vehicles</li> </ul>

## SCHEDULE OF CONDITIONS

- 1 That at the expiration of 10 years from the date hereof the uses specified in your application shall be discontinued and the land shall be restored to its former condition on or before that date.

Reason - To enable the Council to review the position at the expiration of the stated period, in order not to prejudice the consideration of future proposals for the land and/or in view of the special/personal circumstances of the case which are such as to override basic planning objections to the development.

- 2 Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following approved plans: D.0291\_7-9

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Central Government guidance contained in PPS1: Delivering Sustainable Development.

- 3 No signs or advertisements shall be erected on any buildings unless a signage strategy has previously been submitted to and agreed in writing with the Local Planning Authority. Any proposed signage shall comply with the terms of the signage strategy

Reason - In order to safeguard the visual amenities, character and appearance of the conservation area in accordance with Policy C23 and C28 of the adopted Cherwell Local Plan.

- 4 Within three months of the date of this permission, a lighting strategy shall be provided. The strategy as approved shall be implemented within 6 months of the date of this permission and the development shall be undertaken in accordance with the details as approved

Reason - In order to safeguard the visual amenities, character and appearance of the conservation area in accordance with Policy C23 and C28 of the adopted Cherwell Local Plan.

- 5 Within three months of the date of this permission, a waste management strategy shall be provided. The strategy as approved shall be implemented within 6 months of the date of this permission and the development shall be undertaken in accordance with the details as approved

Reason - In order to safeguard the visual amenities, character and appearance of the conservation area in accordance with Policy C23 and C28 of the adopted Cherwell Local Plan.

6 That no goods, materials, plant or machinery shall be stored repaired, operated or displayed in the open without the prior express planning consent of the Local Planning Authority.

Reason - In order to safeguard the visual amenities, character and appearance of the conservation area in accordance with Policy C23 and C28 of the adopted Cherwell Local Plan.

7 All plant, machinery, mechanical ventilation equipment and ducting shall be installed internally. No other plant, machinery, mechanical ventilation equipment, flues or ducting shall be placed on the outside of the building without the prior written permission of the Local Planning Authority.

Reason: In the interest of visual and residential amenity.

8 Save for existing uses on the site, before any other buildings are first occupied parking and manoeuvring areas shall be provided in accordance with plans approved in writing by the Local Planning Authority in consultation with the Highway Authority and shall be constructed, laid out, surfaced in bound material, drained and completed, and shall be retained unobstructed except for the parking of vehicles at all times.

Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.

9 Save for existing uses, before any other buildings are occupied, details of parking provision for the proposed uses shall be submitted to and approved in writing by the Local Planning. The approved parking shall thereafter be implemented within 3 months and thereafter be retained in accordance with such approved details.

Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.

## **PLANNING NOTES**

Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.

Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 2501.

**SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

The Council, as local planning authority, has determined this application in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, Government advice contained within PPS5, in accordance the Revised Comprehensive Planning Brief, the development plan and other material considerations. The development is considered to be acceptable on its merits as the proposal preserves the character and appearance of the Conservation Area, provides a balance mix of employment opportunities and delivers environmental improvements sought through saved policy H2 of the Oxfordshire Structure Plan. The development is considered to be acceptable on its planning merits as the proposal.

As such the proposal is in accordance with Policy H2 of the Oxfordshire Structure Plan 2016 and UH1 of the Non Statutory Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

<b>CONTACT OFFICER:</b>	<b>Andrew Lewis</b>	<b>TELEPHONE NO:</b>	<b>01295 222183</b>
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