

**74 Heyford Park,
Camp Road,
Upper Heyford**

12/01711/F

Ward: The Astons and Heyfords

District Councillors: Councillor Mike Kerford-Byrnes
Councillor James Macnamara

Case Officer: Andrew Lewis

Recommendation: Approval

Applicant: The Education Funding Agency & The Heyfordian School Trust

Application Description:

Change of use of building 74 and its curtilage (former officer's mess) and part of its curtilage to non-residential education use (Class D1)

Committee Referral: Major

1. Site Description and Proposed Development

Background

- 1.1 The application site for this proposal is part of the former RAF/USAF Upper Heyford base. Building 74, the former Officers Mess, is identified on the appended site plan and with its curtilage measures approximately 1.5 hectares in size, the Heyford base being approximately 505 hectares in total.
- 1.2 In 1925 under the strategy known as the Air Defence of Great Britain, a new permanent three bomber airfield was planned for Upper Heyford. The importance of this station (it being close to both London and Oxford) was reflected in the style and size of the Officers' Mess, being on a grander scale than that built at other contemporary stations. 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 within the Technical Area as defined within the Conservation appraisal.
- 1.3 In the appraisal, the character of the Technical Area is described as:

“... 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.”
- 1.4 The Technical Site is the first area of the base accessed off Camp Road after passing

through the main gate. This area is fronted on the west of the entrance, by the 1920s Guardroom (100) and to the east Heyford House (52) (originally the Station Operations Room and Headquarters), These buildings together with Building 74, the original Officers' Mess and subject of this application, and the buildings immediately to the south on the southern side of Camp Road are part of the initial development phase of the airfield and constructed in 'British Military' style that was the dominant influence in architectural style at the time of construction. The style, in fact, is well suited to the organised 'campus' layout of the site with deliberately sited, low-density, buildings, grassland and organised tree planting. Building 74 was one of the most prestigious Officers Mess buildings in the country when constructed and together with the other buildings mentioned above form an important and coherent group of buildings at the front of the site. None are listed though all are regarded of being of importance nationally as examples of mid 1920's RAF base architecture.

- 1.5 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.
- 1.6 In terms of the uses on site, the military use ceased in 1994. Since 1998 the site has accommodated a number of uses in existing buildings, first under temporary planning permissions latterly under a permanent permission granted on appeal and subsequent applications. For the last three years the site has been owned by the Dorchester Group. In that period the base has created approximately 1,000 jobs and homes for around 750 residents.
- 1.7 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. The heart of the Technical Area is proposed for residential development under the masterplan approved for the new settlement (see planning history below).

The Proposed Development

- 1.8 The current application is one of two seeking planning permission that would create a "Free School" at Heyford Park. The other application is for change of use of the sports hall (Building 583) and part of the playing field associated with it to educational and community use for which there is a separate report on the agenda (ref 12/01710/F). The application subject of this report is for the change of use of Building 74 to non residential educational use which may be considered to be the more important one as it would create the main school building. Committee are advised that it is for change of use, in effect seeking to establish the principle of the educational use. It contains limited details on the physical alterations to the building and other works necessary to implement the permission, if granted, and most drawings are for illustrative purposes only. If this application is granted permission the physical alterations would be subject of a fresh, separate application. This has caused Consultees and your Officers some problems in assessing the application and some points, such as parking, will be addressed as best they can on the basis of information provided. Both applications have to be considered, of course, on their own merits.
- 1.9 The main elements of this proposal are an access to the site via the main entrance although at a future date an in and out access will be created to the front from Camp Road. The open space in front of Building 74 is divided into two areas for soft and hard play. A separate area for early years play is shown off the main access. Parking for staff and visitors is shown, again, off the main access and also in front of Building

74. Internal plans show “illustratively” how the building could be used but it is understood working drawings are being progressed in anticipation of a full application for the actual physical conversion of the building.

- 1.10 As further background to the proposal, the applicants have already secured consent from the Secretary of State for Education to open a new school at Heyford Park opening in September 2013. The school would be a 2 form entry, through school i.e. for children from 4 to 19, so both primary and secondary education. There would be potential for a total of 840 pupils when the school is fully open in 2019 but the opening is phased with only Reception and Year 7 opening in 2013, followed by Year 1 and Year 8 in 2014, 2 and 9 in 2015, etc until the school is fully open in 2019. If planning permission is granted for this application the next stage in the process would be to secure a funding agreement with the Department for Education and before that stage can commence, or rather for it to have any chance of success, it is necessary to have some form of resolution on planning by 1st March 2013.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 24th January 2013.

9 letters have been received from residents in Upper Heyford (2), Bicester (6) and Somerton (1) all largely supporting the proposal.

Oxford Play Bus (Occupiers of Building 549) support the proposal in particular the retention of the sports hall and its continued use for and by charity groups. There is an aspiration to play national roller hockey here.

The applicant also undertook a substantial a pre-application consultation exercise in November and December 2012 with regard to the “Free School” proposal

3. Consultations

- 3.1 Upper Heyford Parish Council: strongly support the proposal.
- 3.2 Middleton Stoney Parish Council: No objection to conversion of the buildings for education but concerned about the principle of the free school and its impact on the provision of primary education in adjacent village schools and secondary education in Bicester
- 3.3 Ardley with Fewcott Parish Council: No objection

Cherwell District Council Consultees

- 3.4 Conservation and Urban Design Officer: Concerned by lack of information

Main points:

- Level of staff parking is unlikely to be adequate
- Concern over mix of ages on such a constrained site
- Concerned about level and distribution of play areas. Children of primary school years need a large play area that is separated from secondary school children
- Concern that the sports facilities are too far away from the main school building

- There is no room for expansion
- There is no scale on either of the building plans so it is difficult to assess whether the room sizes are adequate:
- While there is a tree lined route to the east of the site from Camp Road, this route is very tight and the removal of trees or substantial arboriculture work will be required if coaches and other heavy vehicles are to access the main entrance
- It would be useful to understand how the external access arrangements will work in relation to adjacent areas. Currently the bin store can be accessed from routes to the north of the site. Will this relationship continue?
- The main entrance into the building is very tight, with WCs on either side, limiting its appeal
- Typically primary school children are not located above the ground floor

3.5 Environmental Protection Officer:

I have looked at these details and the Site Investigation Report submitted as part of this application identifies localised contamination by a range of contaminants that have the potential to affect future occupants and controlled waters (principal aquifer) under the site. Owing to the historical and current activities on, and adjacent to the Site, there is the potential for further contamination to exist within the soils and underlying groundwater. I concur with the applicant's consultant (Waterman) that although there was an earlier site investigation (1997) it is proposed that:

1. A supplementary Ground Investigation should be undertaken at the Site, and that a Remediation Strategy developed and implemented if required; this would ensure that the Site is suitable for use and that there would be not be an unacceptable risk posed to future human receptors using the Site.

2. As part of the Ground Investigation, the ground gas regime on the Site is assessed. Gas protection measures should be implemented (if required) in accordance with guidance contained in '*Assessing Risks Posed by Hazardous Ground Gases to Buildings (revised) (C665)*' (Construction Industry Research and Information Association, 2007) and '*Guidance on Evaluation of Development Proposals on Sites where Methane and Carbon Dioxide are Present*' (National House-Building Council, 2007).

3. With regard to the protection of controlled waters, surface water drainage systems for the Site should be designed to incorporate suitable interceptors, filters and silt traps to avoid the discharge of any fuels or oils that have entered the system, into the underlying groundwaters and nearby watercourses

As the applicants have in part, met the Council's normal full contaminated land conditions, I would recommend that conditions be applied to the consent to ensure the proposals within the Waterman report are undertaken i.e. Supplementary ground investigation report, Remediation strategy with remediation plan and Validation report:

Oxfordshire County Council Consultees

3.6 A corporate response has been received from the County Council and an objection lodged. Their main points are:

- A school for 4-11 year olds is required at Heyford by September 2015 and ideally one form entry. A two form entry school will destabilise local schools.
- No nursery provision is made. Provision should be made for 3 year olds.
- The proposal to provide 420 secondary places at Heyford Park continues to

be seen as incompatible with the aim of providing places for pupils from the new development at Kingsmere, Bicester.

- A separate response on the proposed Heads of Terms will be sent to the applicant and Cherwell District Council.
- If the Free School was to fail or close that would potentially put a significant impact upon the capital programme

Specifically on transport and highways matters:

- Access details are required
- Lack of information on parking. No details on staff levels to calculate requirement. No details have been provided of disabled, motorcycle, cycle and minibus parking spaces and are required. A detailed parking plan has not been submitted and is required for consideration and approval. Furthermore, details of school coach bays and manoeuvring areas are also required
- It is likely that a SUDS drainage scheme will be required in the interests of flood prevention. No details are provided
- Heyford is not considered to be a sustainable location that has easy access to services and facilities and good alternatives to travel by private car. The proposed free school may become a fairly major trip attractor not only for Heyford but also for the communities in the surrounding area
- The sports hall is a considerable distance from the main school. Details are required to ensure safe movement between the two
- Improvements to bus transport and bus stop provision
- A Transport Assessment is submitted but some of the assumptions appear incorrect with regard to school traffic figures and further information required. There is a risk that given the proposed capacity of the free school compared with the likely demands arising from the Heyford Park community of an overall increase in non-local trips to/from schools. Assumptions that are queried include: all external trips being made by car, internal trips by non car, site vacated by 5, all trips are single journeys, all children resident at Heyford will go to the school, busses can collect all pupils, children as young as 4 will catch buses, etc.
- Comparative trip assessment between the approved and proposed uses is not made.
- Traffic profiles and levels of traffic are calculated on the basis of old information e.g. the school's previously proposed location, and levels through junctions appear in some cases to be incorrect. It is requested they are recalculated.
- A full travel plan is required by condition

Other Consultees

3.7 English Heritage: No comment

3.8 Sport England:

The site is not considered to form part of, or constitute a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No.2184), therefore Sport England has considered this a non-statutory consultation. It is understood that the proposal is for a new Free School and that the provision of new sports facilities for the school under application 12/01710/F will secure the future of an existing indoor sports hall and sports pitches that are used by the local community. Sport England therefore has no

comments to make on this particular application.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan 1996

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. The following saved policies are however considered relevant:

C18	Historic Buildings
C10	Historic Landscape
C23:	Conservation Areas
C28	Design Considerations
TR7:	Traffic on Minor Roads
TR1:	Transportation Measures
EMP4:	Employment in Rural Areas
R12	Open Space Provision
T2:	Tourist Accommodation

South East Plan 2009 (SEP)

On 14th February 2013 the Communities Secretary announced the regional strategy for the South East of England was to be revoked and an order to that effect is to be made shortly after 25th February. However two policies are to be retained, in effect saved, and one is Oxfordshire Structure Plan Policy H2.

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. 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.

One other policy relevant from the SEP is S3 to ensure adequate school provision.

4.2 Other Material Policy and Guidance

- National Planning Policy Framework-March 2012

At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**,

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 impacts 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 for Schools Development DCLG August 2011
- Cherwell Local Plan – Proposed Submission Draft (August 2012)
The draft Local Plan has been through public consultation and although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:
 - Policy Villages 5-Former RAF Upper Heyford

In addition:

- Planning Obligations Interim Planning Guidance (April 2007)
- The Revised Comprehensive Planning Brief 2007 (RCPB)

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 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.

The brief Specifically intends to assist in the quality delivery of:

- 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;
- necessary supporting infrastructure for the settlement including primary school appropriate community, recreational and employment opportunities
- conservation of heritage interest
- environmental improvements including site wide biodiversity enhancement;
- journeys by foot, cycle or public transport – rather than by car;
- minimisation of the development's impact of traffic on the surrounding road network.

The RCPB sets out the vision for the site and identifies the seven elements set out below;

- 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.
- 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
- 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.

- 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.
- 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 ecological interest and reopening of historic routes.
- vi) The conservation and enhancement of the ecological interest of the flying field through appropriate management
- vii) Visitor access, controlled where necessary, to and interpretation of the historic and ecological assets of the site

Conservation Area Appraisal

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.'

The CAA identifies the following key areas in the summary of issues;

1. Protection of the Historic Buildings and Landscape
2. Vulnerability of the site to fragmentation
3. Reuse of the retained buildings
4. Incorporation of a new settlement

5 Planning History

5.1 The former airbase was confirmed surplus to MOD requirements in September 1994 just before the current Local Plan was adopted in 1996. It 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:

- the site for a development of about 1,000 dwellings and supporting infrastructure including a primary school and appropriate community, recreational and employment opportunities;
- that the future of the site be guided by a comprehensive planning brief adopted by the Council;
- substantial landscaping and other environmental improvements be provided; and that
- the new settlement be designed to encourage journeys by foot, cycle or public transport rather than by car.

5.2 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.

5.3 At present primary age children from the existing housing attend the school in Tackley. However, the proposed development would generate sufficient numbers of children to

justify the provision of a school to serve the development and its provision would reduce the need to travel for education for primary age children. A new primary school has therefore been identified in the CPB as necessary to serve the settlement: "A site of 2.2 hectares, acceptable to the County Council, should be reserved for this purpose. Schools are often a focus for the community and a visible location and a design that reflects the importance of the use of the building should be provided. It should be designed to be a landmark building and make a positive contribution to the street scene and should integrate into the local centre if possible. The implications of integrating the open playing field into the street scene should be given careful consideration. The location of the primary school should also be such that there is convenient access by foot and cycle from the remainder of the settlement and consideration be given to a location with other buildings serving the community. Education beyond primary age and special educational needs are to be provided for off site. No provision within the new settlement will therefore need to be made except for convenient and accessible drop off and pick up for school transport."

- 5.4 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.
- 5.5 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 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 SPD in March 2007.
- 5.6 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, were firstly application ref 08/00716/OUT, an outline application that 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)."
- 5.7 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. 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:
<http://cherweb.cherwell-dc.gov.uk/AnitePublicDocs/05757874.pdf> .
- 5.8 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.

- 5.9 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. There was a fourth, planning conditions and obligations.
- 5.10 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 by policy H2
- 5.11 On design, the SoS seems to have accepted the development would meet the aims of PPS1 and Cherwell could draw up policies and use conditions to reflect up to date design guidance in PPS1. The provision of 1075 houses was seen to be consistent with policy H2 and that a small settlement in this relatively isolated location justified the legacy of the airbase. Shops would provide a service to the community and the employment would stop Heyford becoming a dormitory town.
- 5.12 A considerable number of conditions were drawn up which together with legal undertakings from the applicant, mitigated the impact on heritage and provided the basis for stabilising the new community the SoS considered necessary together with achieving many of the aims of policy H2. This included the provision of a primary school.
- 5.13 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 including requirements to provide land and funding for education, open space and community facilities, and to contribute towards improvements to public transport.
- 5.14 The grant of planning permission authorised many of the uses currently being undertaken at the site and sets out the template for future development. The approved development permitted in the settlement area at appeal was set out in Condition 5 and an annex to the Secretary of State's decision letter. It states:
- "The proposed **New Settlement Area** includes the following uses and development:
...
- 3). Change of Use of Building 74 (4,020 sq.m) to Class C1/D1 use as a hotel / conference centre of up to 4,150 sq. metres and...

6) Provision of 1 no. Primary School on 2.2 hectares.

5.15 It is however a long way from the end of the story as far as its overall development is concerned. In effect the permission with regard to the flying field was implemented but a subsequent second application was submitted for the settlement area. That permission for a new settlement was granted in December 2011 (ref 10/01642/OUT). The permission was 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. It again permitted the use of Building 74 in commercial use, as Class C1/D1, and the Primary School was again permitted in the same location. Masterplans and parameter plans have been produced which again show the school at the heart of the settlement south of Camp Road

5.16 The appeal and subsequent decision have already been taken into account by the Council as part of its draft Local Plan 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. This seems a feasible proposition as the outline permission is now in place.

6. Appraisal

6.1 The new scheme raises a number of issues but the main ones are considered to be:

- The Principle of Development and Compliance with the Development Plan and Master Plan for the Site
- Heritage and Impact on the Conservation Area
- Transport, Access and Highways
- Section 106 Agreement

The Principle of Development and Compliance with the Development Plan and Master Plan for the Site

6.2 The Development Plan is in a state of transition and requires a basic recital. 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 now looks to be limited following the recent announcement by the Communities Secretary. However, the old OSP policy H2 is to be retained.

6.3 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 following the announcement by the Communities Secretary on 14th February. Due to the significance of this policy and the development now proposed the policy is reproduced in full:

Upper Heyford

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.

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.

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.

- 6.4 The supporting text states (para 7.7):
“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 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.’”*
- 6.5 Para 7.8 continues:
“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.”
- 6.6 The adopted Local Plan is largely silent on Heyford, the non-Statutory Cherwell Local Plan 2011 reinforced 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.
- 6.7 The RCPB required a neighbourhood centre should be established at the heart of the settlement in a location that can also benefit from passing trade. It should comprise a primary school, community hall, place of worship and retail, public house, restaurant, social and health care and private nursery facilities. It goes on to say that public buildings should serve both as strong focal points or landmarks in the settlement and as a focus for the expression of community life and activity. Buildings such as the school, community hall and place of worship should reinforce the centre of the settlement. Public buildings should be in prominent positions within the settlement and contribute to creating a sense of place by framing views or closing a particular vista. The design of such buildings should respond positively to the layout of the proposed settlement by the incorporation of significant landmark features and/or memorable and distinctive designs.
- 6.8 Looking slightly further ahead, the draft Local Plan states:
“This site will provide for a settlement of approximately 760 dwellings (net) and necessary supporting infrastructure, including a primary school and appropriate community, recreational and employment opportunities, enabling environmental improvements and the heritage interest of the site as a military base with Cold War associations to be conserved”

Although of course this document may be material it carries little weight as yet.

- 6.9 With regard to the permitted use of Building 74, planning permission exists for its conversion under the appeal to Class C1/D1 use as a hotel / conference centre of up to 4,150 sq. metres and in the revised masterplan to Class C1/C2 use (hotel/care home). This needs to be brought to member's attention as the proposed educational use comes within Class D1 and could in theory be implemented to achieve a similar aim to the current proposal. However, the applicants have decided to submit fresh, free standing applications here and at Building 583 which would overlay the existing permissions and which could be implemented separately but the point has been made that in principle the use of Building 74 for D1 use has been accepted by this Authority.
- 6.10 The applicant also advises that as far as the masterplan is concerned, they consider the school use is simply swapping with another consented use. So if this permission for Building 74 is granted, a care home will be proposed on the 2.2 hectare primary school site south of Camp Road. Officers feel this is slightly simplistic argument as the approved primary school site has been allocated now in two separate masterplans and considered at more than one public inquiry. Its approved location is fairly central to the new settlement, accessible via various routes across the settlement, close to the so called village hub, close to other community uses, all as required in the RCPB.
- 6.11 Building 74 is not in the views of your officers, or those of the Highway Authority, as accessible or as central to the new community. It will be necessary to ensure if this permission is granted to ensure that plans are put in place to improve its accessibility for the wider community in particular by non car modes of transport. As with most planning decisions there is a balancing act and in this case Building 74 is a significant heritage asset that requires to be brought back in to beneficial use and the option of a school here certainly seems viable on the basis of the information so far submitted and from discussions with the applicant. It is certainly a landmark building which lends itself to a public use.
- 6.12 In terms of educational provision at Heyford Park, both Cherwell DC and the County Council have always envisaged a primary school on the site. This has always been set out in policy documents from the Structure Plan through to the RCDP produced by Cherwell DC. The need for a primary school has been reaffirmed by the County in the consultation process. It has however challenged the need for secondary education to be provided here or even the need for two form entry for both primary and secondary schools. Furthermore, in the master planning for Heyford Park a new primary school has always been proposed at the heart of the settlement on the south side of Camp Road as part of a new village hub, and has always been shown as such on the approved masterplans for the new settlement. So what is now proposed is a deviation from the masterplan(s) but in itself is that sufficient reason to refuse planning permission?
- 6.13 The site designated for primary school use was to be subject of a further, third application in connection with the free school proposal, one that proposed its redevelopment for Class C2 use so in effect the two uses would be transferred but unfortunately that application for whatever reason was not submitted. It is clear however that the County Council, if this current application is approved, will withdraw their requirements for the construction of that school and the majority of the contributions required by it with the exception of transport. In the short term this leaves the site with two sites for a proposed school but the approved one will no doubt be subject of development proposals in the near future.
- 6.14 Although transport is dealt with below, it should be made clear that the proposed

school is much larger than what has been approved and its catchment area therefore greater. This school whilst providing for the needs of Heyford Park's existing and future residents has been designed to attract pupils from further afield. This has an impact on sustainability and whether resources should be focused, for example at Bicester or here. Whilst the issue of education is a county matter and less one of planning, the question of sustainability in terms particularly of transport needs to be addressed

- 6.15 Recent Government advice on education is clear. In the NPPF it states:
"The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:
- give great weight to the need to create, expand or alter schools; and
 - work with schools promoters to identify and resolve key planning issues before applications are submitted."
- 6.16 In the Policy Statement issued in August 2011 on Planning for Schools Development it states:
"It is the Government's view that the creation and development of state-funded schools is strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations. We expect all parties to work together proactively from an early stage to help plan for state-school development and to shape strong planning applications. This collaborative working would help to ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, "yes". It goes on:

"The Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and that the following principles should apply with immediate effect:
- **There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.**
 - **Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions.** The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision.
 - **Local authorities should make full use of their planning powers to support state-funded schools applications.** This should include engaging in pre-application discussions with promoters to foster a collaborative approach to applications and, where necessary, the use of planning obligations to help to mitigate adverse impacts and help deliver development that has a positive impact on the community.
- 6.17 The direction of Government policy became even clearer on 25th January 2013 with a Ministerial statement advising that new permitted development rights were to be given to convert vacant buildings to free schools. Local Authorities were to give limited assessments to such proposals focusing on noise and traffic issues. These details are to be made clearer in June assuming the Growth and Infrastructure Bill is passed.
- 6.18 It is therefore apparent that should the Council wish to object to the proposed school it will need to have clear and sound reasons to do so. The County Council have commented primarily as the education and transport authority, the latter issue is dealt with below. On education, the County's position is difficult because further

consultations are proposed later this year on secondary education in the wider Bicester area and at this stage it may seem that the Heyford proposal is premature and in conflict with the existing plans to develop secondary education there. The applicant's believe that their proposal does not prejudice the County's aspirations and that in any case limited weight should be given to them as a material planning consideration. It is clear however that education and planning are at the forefront of Government's agenda and creating free schools is one of the flagship policies. Local Planning authorities have to "support that objective in a manner consistent with its statutory obligations"

Heritage and Impact on the Conservation Area

- 6.19 The Conservation Area Appraisal identifies a number of buildings that, although not offered any statutory protection, nevertheless contribute significantly to the character of the site and others, equally significant that shed light on the historic development of the site and the social context of the RAF. These buildings have some historic or architectural significance, make a positive contribution to the character of the conservation area and have the ability to add visual interest to the new settlement. There is also the general presumption in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area as set out in the NPPF. Where these buildings are in an existing use that is compatible with the creation of a satisfactory living environment or are reasonably capable of conversion to new uses and able to be integrated into the new settlement they should be retained and converted. These include Building 74.
- 6.20 Whilst Building 74 is not listed it is regarded as a significant heritage asset being possibly one of the most prestigious Officers' Mess built on an operational RAF station during the 1920s, it benefits from a spacious setting and mature trees which add to its imposing character. Whilst some of the rear or ancillary wings may be less efficiently converted to other uses, the main building was considered in the RCPB to have the potential to be a "prestigious head quarters building or third phase of the Innovation Centre." The advice in the NPPF is that such assets should be put to "viable use consistent with their conservation." In addition, when "determining planning applications, local planning authorities should take account of **the** positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and **the** desirability of new development making a positive contribution to local character and distinctiveness." Great weight should be given to their conservation.
- 6.21 In this case limited information has been given with regard to potential alterations and to justify the proposed change of use. Although the building's main structure appears sound, internally it has a high degree of dilapidation that needs to be arrested. It was always envisaged in the RCPB that a new school would form an opportunity for architectural expression, to generate a sense of place and to provide a strong landmark focal point. It is considered this can be achieved with the classical influenced design of Building 74 which enjoys an imposing location fronting Camp Road with the remains of the formal lawned area and mature planting contributing to the grandeur of the setting of the building. The proposed use is therefore considered in the round, to be one that could result in the sympathetic use of Building 74
- 6.22 Should planning permission be granted however, it must be subject to a condition requiring all details to be submitted before operational development commences to ensure what is proposed physically is respectful of the building itself and its setting. By way of example, the HGV access to the commercial uses on the flying field is proposed along the eastern boundary. Clearly boundary treatment is necessary and the importance of the building, its setting and the conservation area status makes it entirely appropriate for such details to be submitted for full approval.

- 6.23 One other element in relation to heritage and the setting of Building 74, the landscaped grounds enhance the appearance and character of the former officer's mess. Limited details are given with regard to the treatment of the open space surrounding it but in particular at the front. The only hardstanding proposed is understood to be the existing tennis courts. On that basis the openness of the site is preserved but to reinforce this a condition is recommended to restrict the permitted development of the school.

Transport, Access, Parking and Highways

- 6.24 OSP H2 required the new settlement to be designed to encourage walking, cycling and public transport rather than the private car. The RCDB recognised that the development conflicts with the objectives of the PPS 13-Transport (now NPPF) but that normal sustainability objectives have to be set aside as a means of facilitating the remediation of the former airbase.

This is worked up in the RCPB where three policy objectives are set out in relation to transport:

- "MEASURES TO ENCOURAGE WALKING AND CYCLING AND THE USE OF PUBLIC TRANSPORT FOR TRIPS WITHIN THE SETTLEMENT WILL BE REQUIRED
- MEASURES TO ENCOURAGE THE USE OF PUBLIC TRANSPORT FOR TRIPS TO OTHER MAJOR CENTRES WILL BE REQUIRED
- MEASURES TO MINIMISE THE IMPACT OF TRAFFIC ON THE SURROUNDING ROAD NETWORK THROUGH VILLAGES, AND TO THE WEST, WILL BE REQUIRED"

- 6.25 In general, Heyford is not considered to be a sustainable location that has easy access to services and facilities and good alternatives to travel by private car. The proposed free school may become a fairly major trip attractor not only for Heyford but also for the communities in the surrounding area. The County acknowledge that the school will bring some benefit by internalising/ capturing some education trips, i.e. trips which would have otherwise continued on the external network, it is likely to attract more trips from the external area than would have otherwise been the case in the consented proposal. This seems to be contrary to the ethos of sustainable development as set out in the NPPF.

- 6.26 One other access issue of concern is that the proposed sports facilities for the free school (ref application 12/1710/F) will be located at the opposite end of the development, approx. 1000m walking distance from the school. It is stated that primary-age recreation activities will be carried out within the curtilage of Building 74, and these pupils will travel by minibus to the proposed offsite sports facilities. A need has been identified to connect the school with the offsite sports facilities via a safe pedestrian route for older/ secondary children. An indicative plan of this route has been included in Appendix 4 of the Planning Statement, but a detailed plan of the proposed pedestrian/cycling links to this site must be submitted for consideration and approval. The applicant feels this can be conditioned and points out in discussions on going to implement the masterplan that pedestrian and cycle links are proposed along Camp Road and through the new settlement.

- 6.27 The technical data that has been submitted in a Transport Assessment with the application has been challenged by the Highway Authority. The applicant has responded and a meeting to resolve the outstanding matters is to take place on 19th February. Some of the main issues are:

- Traffic distribution
 - The pupils origin destination is little different from the approved masterplan

- Pupils will not leave the site during the day
- Junction improvements will be undertaken in accordance with the requirements of the masterplan approval. As a result they will have adequate capacity when the school is fully open
- Traffic Generation
 - It is argued that less external children will enrol once the site is developed and as the rolling programme of opening occurs
 - The split between car and non car assessment is considered to be robust as a 50% non car usage is assumed.
 - Walking/cycle trips are considered to have a high potential and internal use of car limited. Where cars are used it is part of a joint journey that would probably already take place
 - After school club use is unlikely to generate large traffic volumes
 - The Free School is planning to adopt a policy of selection of pupils by distance and sibling criteria.
 - It is alleged the sites are swapping between the C1/C2 and D1 uses therefore there is no difference in the way the traffic is generated between use.
 - It is accepted the school is bigger and that will change the volume of traffic
- Bus stops will be considered in relation to the masterplan but the school is a key element of that.
- The applicant is happy to review the traffic safety data
- A travel plan will be provided by condition

6.28 Dealing with access to the site itself, the submitted proposal is to use the main entrance to the site and then swing round to the rear of the building. Areas are shown for parking adjacent Building 74 on existing hard surfaced areas. In supporting documents it is indicated there may be an in/out system utilising a route currently shown on the masterplan for Heyford Park as the main route into the flying field but that this is not part of the current submission. Certainly the Highway Authority wants clarity on this issue. The applicants have responded by suggesting this is conditioned.

6.29 In terms of parking, areas are shown but there is no detail on how many spaces this will equate to although the application states 45. But there are no details on teacher numbers to demonstrate how this was calculated and whether it will be adequate. No details have been provided of disabled, motorcycle, cycle and minibus parking spaces which are required. Furthermore, details of school coach bays and manoeuvring areas are also required by the County. Again, the applicants have responded by suggesting this is conditioned. The RCPB advises that parking is restricted to staff and visitor parking but no on site provision for parents' cars. Instead an adequate drop off facility is sought within the public highway or as part of shared car parking for an adjacent local centre.

Section 106 Agreement

6.30 The existing planning permissions have both resulted in the requirement to provide a primary school, either by substantial financial contributions being made to the County Council or for the development to construct the school in line with an agreed specification. Financial contributions were also required towards secondary education and transport including transportation of students. The application was accompanied with heads of terms that sought to release the developer from making such contributions providing the free school is provided. The s106 also required a care home/hotel to be provided so that will be deleted from the fresh agreement.

6.31 The previous permissions did not envisage the retention of Building 583 either, and the earlier s106 agreement required provision of contributions towards or provision of indoor sport, leisure and recreation facilities. It is now envisaged that a package of

access to what becomes the school assets would be made available on an out of hour's basis.

- 6.32 Negotiations on the details of the s106 package remain to be concluded but at the time of drafting this report a compromise is envisaged that will be suitable to all parties and the details of which will be reported orally at Committee.

Other Issues

Nursery Education

- 6.33 No details have been submitted with regard to pre school provision although it is understood this will be provided in Building 583.

Contamination

- 6.34 The views of the Environmental Health Officer sum the situation up succinctly and his recommendation that the permission, if granted, is appropriately conditioned is supported.

Impact on Residential Amenity

- 6.35 Even without detailed plans it is clear the use of Building 74 will have limited effect on residential amenity. The former "officer's housing" exists about 100 metres to the east and new housing is proposed, if the masterplan is undertaken, 50 metres to the north west but the juxtaposition between residential and the proposed school is considered to be entirely appropriate.

Landscaping

- 6.36 The application is a change of use and no details are submitted but as the site is within a conservation area all the main trees on site enjoy protection already.

Drainage

- 6.37 The County have asked for further information on how all the car park and other hard surface will be drained. The applicant has responded that there will be a SUDs scheme and requested this be dealt with by condition.

Cooking Odours

- 6.38 Little information is provided but students will require to be fed at some point, and a kitchen and dining hall are shown on the illustrative plan. Details will need to be secured by condition to ensure no problem from smells, fumes, etc

Accessibility

- 6.39 From the illustrative plans submitted Officers do have concerns that not all the upper floor will be fully accessible. This concern has been expressed to the applicant and it is understood their project team will hope to satisfy this issue when the detailed scheme is prepared

Engagement

- 6.40 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.

Biodiversity

- 6.41 No information has been submitted with the application but in line with Council's policy and in view of the proposed use and educational benefits accruing, it is recommended a biodiversity condition be imposed.

Conclusion

- 6.42 Under national guidance there is a clear presumption in favour on provision of state

funded schools and locally education is seen within Cherwell's vision for the District as set out within the Sustainable Community Strategy as a means of tackling inequality and assisting in economic development. A school is needed to meet the requirements of the new settlement at Heyford Park, albeit the County wish its size to be limited. Bringing Building 74 into use is warmly welcomed. There are concerns however, particularly expressed by the County Council in terms of the potential destabilising effect from secondary education and the overall size of the school proposed here at Heyford Park, and whether it is deemed to be a form of sustainable development or not. But, on balance, there is a very strong presumption in favour of state funded education provision and notwithstanding OCCs concerns with regard to secondary education provision, significant harm arising from the proposal has not been identified and as such the application is recommended for approval.

Recommendation

Approval, subject to:

- i) The applicants entering into an appropriate legal agreement to the satisfaction of the District and County Council relating to matters of education, transport and joint use and
- ii) Highway Authority receiving sufficient information to enable them to remove their objection and
- iii) the following conditions:

- 1 That the development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 That full design details of the internal layout and any alterations to the external appearance of the building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the RAF Upper Heyford Conservation Area and to comply with Government advice in the NPPF, Policy BE6 of the South East Plan 2009 and Policy C18 of the adopted Cherwell Local Plan.

- 3 Prior to the commencement of the development hereby permitted details of the provision, landscaping and treatment of open space/play space within the site shall be submitted to and approved in writing by the Local Planning Authority. The open space/play space, once approved shall be landscaped, laid out and completed in accordance with the details approved and within a time period to be first approved in writing by the Local Planning Authority and thereafter retained as open space/play space.

Reason - In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space/play space and to comply with Policy BE1 of the South East Plan 2009 and Policy R12 of the adopted Cherwell Local Plan.

- 4 That, notwithstanding the provisions of Part 32, of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 and its subsequent amendments, the approved school shall not be

extended nor shall any structures be erected within the curtilage of the said school or hardsurface constructed without the prior express planning consent of the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of the adjoining dwellings and to preserve and enhance the character and appearance of the conservation area in accordance with Policies C28 and C30 of the adopted Cherwell Local Plan.

- 5 That Building 74 and its curtilage shall be used only for the purpose of non residential educational use in association with use of Building 583 and for no other purpose whatsoever, including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005. It shall not operate independently of Building 583 and the open space associated with that site unless alternative open space and recreation provision is made and agreed in writing with the Local Planning Authority

Reason - To ensure the school has an acceptable level of outdoor recreation and play space, in order to maintain the character of the area and safeguard the amenities of the occupants of the adjoining premises in accordance with Policy BE1 of the South East Plan 2009 and Policies C28 and C31 of the adopted Cherwell Local Plan.

- 6 That a plan showing parking provision for vehicles to be accommodated within the site, including cars, parking for people with disabilities, minibuses, and coach, together with details of access and manoeuvring space, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and that such parking facilities shall be laid out, surfaced, drained and completed in accordance with the approved plan before the first occupation of the premises. The car parking spaces shall be retained for the parking of vehicles at all times thereafter.

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government advice in PPG13: Transport and Policy T4 of the South East Plan 2009.

- 7 Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Policy T5 of the South East Plan 2009.

- 8 A Green Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the planning process to secure travel plans", shall be submitted to and approved in writing by the Local Planning Authority prior to the first use or occupation of the development hereby permitted. The approved Green Travel Plan shall thereafter be implemented and operated in accordance with the approved details.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance Policy T5 of the South East Plan 2009.

- 9 Subsequent to the school roll reaching 120 no more than 120 additional pupils shall be permitted each year (or such other number as may be agreed in writing by the local planning authority from time to time) from 2013 to 2019. Each year the current roll shall be maintained until such time as the impact of the traffic and parking generated by the school on the local highway network has been assessed, and a review of the implementation and effect of the Travel Plan has been carried out. Additional pupils may be allowed subject to the agreement in writing by the local planning authority of any necessary resulting highway works or other mitigating actions and a programme for their implementation.

Reason: In the interests of highway safety given that the existing local highway network is of limited capacity and arrangements to minimise the impact upon it have yet to be se

- 10 That no development shall be commenced until full details of the safe pedestrian routes and crossings between Building's 74 and 583, together with full details of access for pedestrians and cyclists into the site from the surrounding development have been submitted to and approved in writing by the Local Planning Authority. Plans and particulars of the matters referred to above shall be carried out as approved.

Reason - This permission is for change of use only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010. These details are required to help ensure a safe and sustainable form of development.

- 11 That no other means of access other than via the main entrance whatsoever shall be formed or used between the land and Camp Road..

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

- 12 Details of any proposed external lighting in and adjacent to the building, car parking areas and access way shall be submitted to and approved in writing by the Local Planning Authority and no lighting shall be installed without the consent of the Authority first being obtained.

Reason: To avoid any adverse impact on residents in the vicinity of the site and to minimise the opportunity for crime and disorder, to preserve and enhance the character and appearance of the conservation area and to comply with policy C4 of the South East Plan and policy ENV1 of the adopted Cherwell Local Plan.

- 13 All plant, machinery, mechanical ventilation equipment and ducting, other than that shown on the approved plans, 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 unless otherwise agreed with the Local Planning Authority.

Reason: In the interest of visual and residential amenity and to comply with Policy BE1 of the South East Plan, and policies C31 and ENV1 of the adopted Cherwell Local Plan

- 14 The building shall not be brought in to use until such times as a detailed scheme of fume extraction/odour mitigation measures has first been submitted

to and approved in writing by the Local Planning Authority; and implemented in accordance with such approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - In order to safeguard the amenities of the area and to minimise the risk of a nuisance arising from smells in accordance with Policy ENV1 of the adopted Cherwell Local Plan.

- 15 That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 16 That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 17 That full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the building, and such means of enclosure, shall be erected prior to the first use of the building.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policies C28 and C30 of the adopted Cherwell Local Plan.

- 18 Full design details of the refuse/bin storage area, including materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The approved area shall be available for use before the property(ies) is/are first occupied.

Reason - In the interests of the visual amenities of the area, to ensure the

creation of a pleasant environment for the development and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 19 If remedial works have been identified in condition y, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition y. A verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan.

- 20 Reports submitted with this application have identified a potential risk from contamination which may affect this development. Prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan.

- 21 If contamination is found by undertaking the work carried out under condition x, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan.

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 the NPPF and Planning for Schools Development DCLG August 2011, 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 and delivers the comprehensive approach sought through saved policy H2 of the Oxfordshire Structure Plan. The development is considered to be acceptable on its planning merits as the proposal will enable the existing residents to remain on the site in a lasting arrangement and enjoy the benefits of community and educational facilities.

As such the proposal is in accordance with Policy H2 of the Oxfordshire Structure Plan 2016. 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.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.