

Site Address: Land At Camp Road, Upper Heyford

Ref: 13/01599/F

Ward: The Astons and Heyfords

District Councillors: Councillor Mike Kerford-Byrnes
and Councillor James Macnamara

Case Officer: Andrew Lewis

Recommendation: Approval

Applicant: Paragon Fleet Solutions

Application Description:

Change of use of the eastern part of southern taxi way for use in connection with established and lawful car processing operations

Committee Referral: Major

1. Site Description and Proposed Development

Background and Planning History

- 1.1 The application site for this proposal covers part of the former flying field of the RAF/USAF Upper Heyford base the military use of which ceased in 1994. It is identified on the appended site plan and measures approximately 5.84 hectares in size, the Heyford base being approximately 505 hectares in total of which 17 hectares are permitted for car processing.
- 1.2 The former airbase was confirmed surplus to MOD requirements in September 1994 just before the adopted current Local Plan (ACLP) was adopted in 1996. The ACLP does not contain any policies specifically relating to the site. A revised Structure Plan (OSP) 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 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.
- 1.3 A Comprehensive Planning Brief (CPB), as required by OSP 2012 Policy H2, was first 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.
- 1.4 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.
- 1.5 In November 2005, a Conservation Plan was produced for the flying field. The plan was jointly commissioned by CDC, English Heritage (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. A Revised Comprehensive Planning Brief (RCPB) was adopted as a Supplementary Planning Document (SPD) in March 2007. In the RCPB approximately 7 hectares were set aside for car storage together with use of a number of buildings by the company then operating the car business. However, at the later Public Inquiry this figure was not considered adequate for the company's needs.

1.6 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 'special attention shall be paid to the desirability of preserving or enhancing'. This provides the context and framework to ensure the character and appearance of the Cold War landscape is preserved. This application is on the Flying Field and crosses a number of character zones as classified in the Conservation Appraisal which can be summarised as:

- 1D South Aircraft Shelters
The open aircraft shelters located in this area lack the dominant presence of the HASs. Current usage has robbed the landscape of any defining characteristics.
- 3 Runway East Terminal:
This area has some of the characteristics of 1A but the land dips slightly to the east and there are wide views across the more-or-less level surrounding farmland of the Fritwell and Caulcott Plateaux. The overall character is therefore very different from 1A and the area lies outside the 1940s core, having been constructed in the 1950s.
- 6 Southeast HASs:
This area has a distinctive character because the HASs and ancillary structures are relatively close together. But the visual link with the major part of the Landscape of Flexible response is poor and it lacks the simplicity and openness of Area 1
- 1A Central Runway
Open landscape dominated by the uniform planes of meadow grassland and hard surfaces and by the wide horizons. The area is surrounded by HASs (Hardened Aircraft Shelters) and includes the control tower. The CWS (County Wildlife Site) is located towards the eastern end of the area..

Reference is also made in this report to the Tanker Area for which the applicant has permission for use for car processing subject to details being submitted and approved. It is described as:

- 7. The Tanker Area:
This is an indeterminate area dominated by the grassland of the tanker standings. It is largely without a character of its own and is influenced by the mass of buildings beyond the boundary to the south.

1.7 Over the last 15 years numerous applications have been made seeking permission to either develop the whole site or large parts of it and most the land subject of the current application was granted temporary planning permissions pending the long term and lasting arrangement to be secured in line with the Oxfordshire Structure Plan. Numerous cases 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).”

- 1.8 Following a major public inquiry that commenced in September 2008 the Council finally received the appeal decision in January 2010. The appeal was allowed, subject to conditions, together with 24 conservation area consents that permitted demolition of buildings on the site.
- 1.9 On policy, the Secretary of State (SoS) thought the development was in general conformity with the Oxfordshire Structure Plan policy H2 which sought 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” although they did not seem as such 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.
- 1.10 The SoS concluded the proposal would substantially accord with the development plan, meaning Structure Plan policy H2, limited weight was 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.
- 1.11 The grant of planning permission authorised many of the uses being undertaken at the site and sets out the template for future development. In terms of the main employment use, i.e. car processing, the SoS agreed with the Inspector that harm would be caused to the Conservation Area and would not achieve environmental improvements. However, it was outside the core historic area, in the least significant part of the site overall and largely concealed from public views. A balance had to be struck between preservation and enhancement and the exceptional circumstances argument put forward by the appellant. In the end, it was resolved to accept the reduced area of 17 hectares and alter the entrance to the site to lessen the visual impact of car storage.

The Proposed Development

- 1.12 The application site is runway, taxiway and other hardstanding. It has a temporary permission to be used for car processing until April 2014 to facilitate a transitional period where it downsized from the larger area it previously operated from of almost 25 hectares, including the main runway. 17 hectares was authorised for “Car Processing” at appeal in January 2010 although following scrutiny it appears to be closer to 16.2 hectares.
- 1.13 The applicant maintains they need to process approximately 6,000 vehicles to be viable. At the time of the Inquiry they were processing some 9,500 but have since ceased their rental car operation (3,300 cars). However, they are struggling to carry out the operation within the approved site as evidenced by a series of temporary

planning permissions that have been granted for a larger area. Some 1.3ha has been set aside for a delivery/collection area. Furthermore, the tanker area approved for their use, 2.6ha in size, has to date not been constructed due to prohibitive financial costs. This would have been used for approximately 1020 cars.

- 1.14 The company have therefore calculated that without the tanker area they have space to process 3865 cars. By requesting permission for the additional 5.84ha this will add capacity for additional 2135 vehicles.

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 21st November 2013. No public comments have been received

3. Consultations

- 3.1 Upper Heyford Parish Council: The Upper Heyford Parish Council positively supports this application which will consolidate the position of a major employer in the Parish.
- 3.2 Middleton Stoney Parish Council: No objection

Cherwell District Council Consultees

- 3.3 Ecologist: The continued storage of cars on areas of hard-standing will have no ecological impacts. . Almost all of the ditch and bund creation will take place within the Local Wildlife Site (LWS) which is designated for its calcareous grassland. This grassland is also a BAP habitat and great crested newts are known to be in this part of the site. For these reasons I would strongly urge the applicant to consider an alternative method of securing the vehicles parked on the airfield.

Calcareous grassland habitat will be lost if care is not taken to properly translocate and store the grassland during the process and ensure its re-establishment. However, without more information on whether this can feasibly be done I cannot say that this part of the application will have no adverse impact on the LWS. The loss of BAP quality habitat and part of a LWS goes against CDC policy and the NPPF (paras 109 & 118).

A condition regarding the ditch & bund creation and grassland translocation should be a last resort option. A great crested newt mitigation strategy would need to be another condition if the bund creation went ahead.

- 3.4 Conservation Officer: Comments as follows;
The Council has consistently been against the use of the runways for car storage due to the detrimental impact on the conservation area. This taxiway is also part of the runway system, and therefore, although the principle of car storage has been established on the existing western part of the southern taxiway, there is a resistance in heritage terms for the increased detriment which would be caused by the extension eastwards of the existing storage.

The creation of bunds or mounds of earth along the taxiway to effectively hide the cars is not considered to be a sympathetic option. The airfield is an open structure – that is a major part of its character. I do not consider that closing areas off with this alien form of development is acceptable within the boundary of the airfield. It is appreciated that these bunds and the associated fencing that would be required would also be used as a form of security.

A large site was provided at the appeal stage (tanker area) and it is clear that it is time to implement that now. If additional space is required in addition to this, then a small extension to the permitted taxiway area might be permitted to join up the two retained processing areas (i.e. where the taxiway changes from the south west to the east-northeast).

- 3.5 Economic Development Officer: supports the proposal

Oxfordshire County Council Consultees

- 3.6 Transport Development Control, Strategy and Infrastructure Planning:
No objection to the granting of consent of this application. However I would like to note that this area of land is subject to other planning applications, consent conditions and controls imposed by extant s106 agreements. If permission is granted I would advise that any impositions thus placed by other consents are placed on this consent i.e. any building or uses contained within this consent will be subject to the transport management plan for the flying field.

Other Consultees

- 3.7 Environment Agency: No objection subject to conditions
- 3.8 English Heritage: Comment as follows;
At the time of the public inquiry in 2008, English Heritage objected in principle to car storage on the open taxi ways on the Flying Field. The Inspector agreed that the car storage was harmful to the character of the Conservation Area, but felt that economic considerations outweighed the harm and identified an area within which car storage might be confined. Her principal concern lay with the views from the west, and the proposed extension here is towards the east and into the area identified as being of local significance in the Conservation Plan. Part of the justification of the extension lies in the assertion that the tanker area cannot be economically converted, and it would be for your authority to assure itself that that is correct. The area proposed appears to be an extension beyond that needed simply to replace the tanker area, however.

In our view, the proposed extension will represent further harm to the conservation area beyond that already permitted, and that extra harm will need to be weighed against the extra public benefits offered by the proposal in terms of employment and economic growth.

4. Relevant National and Local Policy and Guidance

- 4.1 Section 38 of the Planning and Compulsory Act 2004 requires planning decisions to be in accordance with the development plan unless material considerations indicate otherwise. The Planning Listed Building and Conservation Areas Act 1990 section 72 requires that in the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

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
C23:	Conservation Areas
TR7:	Traffic on Minor Roads
TR1:	Transportation Measures
EMP4:	Employment in Rural Areas

Oxfordshire Structure Plan 2016 (OSP)

The Regional Strategy for the South East (Partial Revocation) Order 2013 revoked the South East Plan (SEP) with effect from 25th March. "The effect of Article 3 of this Order is to revoke all structure plan policies in the region with the ...significant... exception of ... policy H2 of the Oxfordshire Structure Plan 2016, which relates to the former air base at Upper Heyford in Oxfordshire."

The Structure Plan 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."

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.

Draft Submission Local Plan (October 2013)

The Proposed Submission Local Plan was published for public consultation in August 2012. A further consultation on Proposed Changes to the draft plan was undertaken from March to May 2013. On 7 October 2013, the draft Submission Plan was approved by the Council's Executive. The Plan was presented to Full Council on 21 October 2013 and endorsed as the Submission Local Plan. It was submitted to the Secretary of State on 30th January 2014.

At the present time the Plan carries limited weight. However, it will not form part of the statutory Development Plan until the Examination process is complete and the Plan is formally adopted by the Council (anticipated late 2014). The policies listed below are considered to be material to this case and are not replicated by a saved Development Plan policy:

- Policy Villages 5-Former RAF Upper Heyford

Conservation Area Appraisal

- 4.3 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. Appraisal

Background

- 5.1 Planning permission granted at the appeal in 2010 included use of 17 hectares of the flying field (mainly hardstanding and consisting of the former runways and taxiing area) for car processing. This was defined as the inspection, valeting, washing, repairing, tyre replacement, processing and delivery of cars and other car processing activities as may be required from time to time. This area was based on the minimum operational requirement of the business taking place by the current applicant. This land was considered to be the least sensitive part of the overall site being outside the core area of national significance, largely concealed from public views and from the Aves Ditch public footpath. It is understood the applicant currently has a lease on some 61 hectares of the base of which only about 40% of it is in operational use, although negotiations are under way to extend the lease.
- 5.2 Nonetheless, the site was in the Conservation Area and in the view of the Inspector its use would still cause harm but, after weighing up the economic benefits and possible level of job losses, the Secretary of State considered what was approved to be a reasonable balance between what he considered to be exceptional economic circumstances and conservation. In the context of the current application it should be noted the applicant was agreeable to this reduced area of operation.
- 5.3 However, the applicant found the need to continue using much of the unauthorised hard standing, including the main runway, for car storage and their logistical operation. This was not only in breach of the permission granted at appeal but contrary to two separate enforcement notices served by the Council in 2008. This led on to an application in 2012 in which a transitional arrangement was agreed whereby the applicant moved cars off the most sensitive areas and was given a temporary permission to use the site the subject of the present application plus a further piece of runway some further 170m further east until April 2014 (ref 12/00040/F). This was based on a two year period by which time elements of the business can be transferred elsewhere and the Heyford site re-configured.
- 5.4 The rental arm of the business has now been transferred but it seems the two other main elements, demonstration and company vehicles, have taken up the slack. At the same time we are being advised that the land which was permitted for their expansion, the fuel tanker area, is prohibitively expensive to convert for use. A figure of £984,483 has been quoted.
- 5.5 So, the current application has been submitted seeking to maintain an area for storing up to 6,000 vehicles. It has come in with various supporting documents seeking to

justify its case both economically and on grounds that it will not cause harm as previously considered.

One further point, the applicant was advised the Officer's intended to recommend planning permission be refused. As a result a further meeting was held to discuss the concerns of the Council with regard to impact on the Conservation Area and visual amenity and ways and means to mitigate the impact of cars in the landscape. At the meeting amendments to the application were discussed with regard to screening and the applicant also advised of a change in circumstances.

Following a rationalisation of the delivery process it appears that the main contract work at Heyford is to be given over to Jaguar Land Rover. They will use some 80% of the site. But before they agree to revise their contract with Paragon they also need Paragon to invest in workshop improvements of about £1m. If this is agreed some 150 new jobs will be created at Heyford. However, the applicant company does need capacity to service 6,000 vehicles hence the current application. It has also been made clear the contract with Jaguar Land Rover is for 5 years and they will accept a temporary planning permission to cover this period.

Main Issues

- 5.6 The application raises a number of issues but the main ones are considered to be:
- The Principle of Development and Compliance with the Development Plan
 - Impact on the Conservation Area, other Heritage Issues and the Environment
 - Employment and Economic Benefit
 - Ecology

The Principle of Development and Compliance with the Development Plan

- 5.7 The Structure Plan which had effectively been replaced by the South East Plan included, unusually for such a strategic document, a site specific policy for Upper Heyford. This policy, H2, was partially saved by the revocation of the SEP and remains in place as set out below:

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.

Those familiar with the policy will be aware that a requirement for a planning brief no longer exists nor a requirement for a balanced transport strategy.

- 5.8 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.’*

5.9 Para 7.8 continues:

“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.”

5.10 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 for the site and this was produced and approved as supplementary planning guidance (in a modified form) in 2007.

5.11 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

It sets out the vision for the site and identifies seven elements Including, and relevant to this application:

iv) the preservation of the stark functional character and appearance of the historic landscape 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

5.12 Looking slightly further ahead, the draft Local Plan states:

“This site will provide for a settlement of approximately 761 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.”

Place shaping principles include:

- Provision of a range of high quality employment opportunities, capable of being integrated into the fabric of the settlement, and providing that the use would not adversely affect residents or other businesses and would not have an unacceptable impact on the surrounding landscape, historic interest of the site, or on nearby villages
- New development should respond to the established character of the district character areas where this would preserve or enhance the appearance of the Conservation Area Management of the Flying Field should preserve the Cold War character of this part of the site, and allow for public access. New built development on the Flying Field should be restricted to preserve the character of the area

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

- 5.13 The one area of planning policy that has changed since the appeal decision is at national level with the introduction of the NPPF.
- 5.14 In terms of Heritage it states:
In determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - 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.
- 5.15 “Great weight should be given to heritage asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”
- 5.16 “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”
- 5.17 “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”
- 5.18 In terms of economic considerations it states:
“The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.”
- 5.19 “In rural areas Planning should support economic growth in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should: support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.”
- 5.20 So, when weighing up the argument between heritage and economic considerations, the concept in this case of assessing public benefit against harm to heritage assets has to be weighed. As ever in Planning it is a case of making a balanced judgement.

Impact on the Conservation Area, other Heritage Issues and the Environment

- 5.21 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.”
- 5.22 With regard to Policy H2, the Inspector thought “changes of use should serve and be

subservient to achieving environmental improvements, securing the heritage interest of the site and achieving a satisfactory living environment (and within those, provide some employment and some of the other necessary infrastructure). Whilst it would not impact adversely on the living environment of the settlement area, the 17ha of outdoor car staging would not achieve an environmental improvement and it would seriously harm the character of the Conservation Area.”

5.23 She also considered the defining character of the flying field to be its openness. She agreed with EH that” the southern taxiway relates closely in character and purpose to the main runway and that they are both key features of the Conservation Area. Those features with their ultimate purpose of delivering “flexible response” and all the earlier concepts of Cold War airborne deterrence is the essential element in the Conservation Area. I saw that Paragon’s present use of the main runway is highly destructive to the character of the site.” She went on: “The cars cannot sensibly be viewed as a transitory impact. When one leaves the ranks it is replaced by another awaiting processing.”

5.24 The current site is outside the core area of National Significance and set away from Scheduled and Listed Buildings. In terms of direct impact on heritage, in the supporting documentation, the applicant’s state that their ...”visual assessment demonstrates that the proposed use would have no material impact on the Conservation Area from any (public) viewpoint... or from the majority of the Conservation Area”. It would have an impact from the main runway but not more than the current operation has so it “does not introduce any new element into views of the character of the Conservation Area”. They are prepared to mitigate the impact with fencing and low mounding and claim this will also improve the views of the authorised storage areas.

5.25 There is not unrestricted public access to the airfield but conservation legislation does not distinguish between areas of public view and other areas. The eastern part of the site has a degree of sensitivity as the realigned Aves Ditch footpath will pass close by. Users of the footpath when it is reinstated will be able to see an area of high density parking on the eastern runway. This was considered at the appeal by the Inspector to be harmful and the applicant agreed to omit it from the overall scheme at the Public Inquiry.

Contrary to the Applicant’s assessment of the impact on the historic environment both English Heritage and the Council’s Conservation Officer consider the increase in the area of car storage harmful. Furthermore there is not support for the proposed ditch and bunding submitted to screen vehicles but which in themselves are also considered to adversely affect the character of the Conservation Area. This is also an issue for the Ecology Officer.

As a result the bund and ditch are removed from the application and the applicant is proposing to erect a green fence. This will have the benefit of screening the cars whilst not being so intrusive visually or in terms of land encroachment to the County Wildlife Site. Full details have not been submitted so Officers have recommended a condition be imposed.

Employment and Economic Benefit

5.26 To make the community sustainable it is necessary to provide employment opportunities and this is set out in OSP H2 and the RCPB. The RCPB states: Upper Heyford “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.”

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.”

- 5.27 Historically, the use subject of the current application has 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 and 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:
- i. the use is compatible with the aspirations for the settlement
 - ii. the use would not adversely affect residents or other business through noise, traffic movements, requirement for outside storage, working outside normal business hours
 - iii. the use would not have an unacceptable impact on the surrounding landscape, historic interest of the site or nearby villages.”
- 5.28 At the moment the car processing operations provide a stable economic base to the site with some 500 employees, about half the workforce at Heyford, and making it possibly the third largest employer in Cherwell. The long term retention of Paragon on the base was permitted through the appeal to be part of the so called “lasting arrangement” and is not at issue with the current application.
- 5.29 The Company have also pointed out that they are responsible for significant levels of direct and indirect employment in the local economy; provide a wide range of employment opportunities including with a high level of skills; it is a recognised centre of excellence in the automotive industry and in IT; it provides considerable training and career development opportunities; and it creates social and economic spin-offs in the local community. They have also stated that with the new contract there will potentially be an increase of 150 new jobs.
- 5.30 The NPPF encourages sustainable economic growth and says Planning should not act as an impediment to it. Significant weight should be given to proposals for economic growth. This is taken even further with the rural economy where growth and expansion of all types of businesses and enterprises are encouraged.
- 5.31 Recognising the potential harm the development may cause has led to an exercise where alternative strategies have been considered to make the business viable within the terms of the existing planning permission. These include on site efficiencies, moving some operations off site and the complete relocation of the business. It has been concluded these would have a more dramatic impact on the heritage or the community, that it simply would not be feasible and that at the end of the day the present site is ideally located for the business. Notwithstanding these hypothetical arguments, Planning Committee still has to consider the merits of the case and determine the application accordingly.

Other Issues:

Ecology

NPPF – Conserving and enhancing the natural environment requires that “the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures” (para 109)

Paragraphs 192 and 193 further add that “The right information is crucial to good decision-taking, particularly where formal assessments are required (such as Habitats Regulations Assessment) and that Local Planning Authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question”. One of these requirements is the submission of appropriate protected species surveys which shall be undertaken prior to determination of a planning application. The presence of a protected species is a material consideration when a planning authority is considering a development proposal. It is essential that the presence or otherwise of a protected species, and the extent to that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. This is a requirement under Policy EN23 of the Non-Statutory Cherwell Local Plan 2011.

Paragraph 18 states that “When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principle:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”

Paragraph. 98 of Circular 06/05: Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system states that, “local planning authorities should consult Natural England before granting planning permission” and paragraph 99 goes onto advise that “it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”

Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that “every public authority must in exercising its functions, must have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity” and;

Local planning authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application where European Protected Species (EPS) are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that “a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions”.

In this case the ditch and bunding as was proposed has the potential to harm BAP priority habitat and protected species. However it was suggested that it is possible this issue could be over come by removing the ditch and bunding and alternative boundary treatment being provided to secure the site. This would result in the loss of some screening to site but would also remove a feature which in itself detracts from the character of the Conservation Area. As a result a green fence is proposed supplemented with a low level Armco barrier

Transport, Access and Highways

- 5.32 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 other than the applicant is to observe those imposed on the original consent and the routing agreement. This application is for a change of use It will not materially alter the level of traffic generated nor the route that traffic will take

Residential Amenity

- 5.33 The existing use is close to proposed residential development so the issue of residential amenity has to be a consideration. The application area is further from residential properties than the nearest elements of the existing operation. However, the proposed use of the tanker area would bring commercial activity closer under the now approved masterplan for the residential development. The Applicant's Agent has suggested that permission for this area could be rescinded. There may be some advantages to residential amenity from such a change but the use has not resulted in complaints by existing residents when the uses closest to housing have been in operation as such for some 15 years.

Section 106 Agreement

- 5.34 Under the original appeal permission, the tanker area was to be used for the storage of taller cars (1.45m). The applicant has offered to enter into an Obligation not to develop and/or use the tanker area for car storage and to find an alternative, less sensitive area for storage of taller cars. However, whilst it has been confirmed car storage might be restricted in the area the site owners have indicated they would not provide a commitment not to develop the tanker area.

Landscaping

- 5.35 Some form of basic landscaping is required to mediate the impact of the use in terms of bunding and fencing. It will have to balance the screening of vehicles and at the same time not become obtrusive itself. A 1.5m bund with a 1.3m deep ditch was proposed along the northern edge of the taxi way but is not considered to be acceptable. An Armco barrier is proposed to be located at the eastern edge of the taxiway. The Council's Conservation Officer has raised concerns about the impact on the openness of the airfield and therefore its character, which the Conservation Area designation seeks to protect. The Council's Ecologist has raised concerns re the potential impact on ecology. If the change of use is permitted the extended area would require security fencing or barrier of some sought. The existing permitted site has a mixture of bunding, Armco and chainlink fencing.

Lighting

- 5.36 The area has a requirement for low level lighting. No details have been submitted although it is suggested the previous scheme approved for the temporary permission can be utilised but as no details are submitted it is suggested this be conditioned.

Engagement

- 5.37 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.

6 Conclusion

- 6.1 This application therefore rests on a decision as to whether the harm to the conservation area is outweighed by the economic benefits from the expansion of the use.

The proposals are harmful to the character and appearance of the Conservation Area a position that was accepted at the last appeal. Given the harm arising to the Conservation Area from the current proposal the NPPF advises that 'great weight' should be given to heritage assets and any harm or loss should require clear and convincing justification.

The NPPF also emphasises the weight to be given to sustainable economic development and Paragon are a major employer in the District and of a type which has invested in a high degree of skill for its workforce and in technology. The proposal would enable them to take on new contracts and they advise that this will generate new employment (150 during the life of the contract) and result in a further investment in the site of £1m.

The balance between heritage and economic development are further complicated in this case as the expansion of the area the company operates from could take place in the tanker area, which would not result in the same harm to the conservation area and already has planning permission. However the applicant's advise that this is not a viable option.

In considering temporary use the area covered by the present application the Council considered that the balance fell with granting a time limited use to enable the company time to reduce the area it operates from. The temporary permission is now coming to an end. The current proposal as submitted was believed to be permanent but has transpired to be a contract of 5 years and therefore the harm arising to the conservation area would be temporary.

Having carefully weighed the issues the recommendation is to grant permission for the expansion of the car storage use for a temporary period of 5 years and subject to conditions requiring screen fence and landscaping

Recommendation

Approval, subject to:

The following conditions:

- 1 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 At the expiration of 5 years from the date hereof the use 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 in accordance with Policy H23 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

3. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans:
 - Area Plan-P0754 19/1C
 - Security Plan-P0754 22/1

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.

4. The development shall not be commenced until a lighting strategy has been submitted to and approved by the Local Planning Authority and the strategy shall be implemented in accordance with the details as approved unless otherwise agreed in writing by 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.

5. The area of the application site comprising open hardstanding identified for car processing (defined so as to comprise the inspection, valeting, washing, repairing, tyre replacement, processing and delivery of cars and other car processing activities as may be required from time to time) shall only be used for activity which is related to car processing, and specifically shall not be used for the parking of any other vehicle associated with any other use or activity present on the application site.

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. No car rental or related activities for use by members of the public shall be permitted from the identified car processing area

Reason: Such use would be inappropriate on the flying field, generate an inappropriate level of traffic and be contrary to Central Government guidance contained in PPS1: Delivering Sustainable Development.

7. The development shall not be commenced until a scheme and programme for the provision of security for the car processing area including below ground pressure sensors and infra-red cameras and the removal of the existing concrete rings shall be submitted for approval to the Local Planning Authority and approved in writing. Thereafter the approved scheme shall be implemented in accordance with the approved details

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.

- 8 Within three months of the date of this permission a detailed green travel plan shall be submitted to an approved in writing by the Local Planning Authority. The travel plan shall be prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the planning process to secure travel plans" and the emerging Oxfordshire County Council guidance on Developer Travel Plans, and shall include an GHV routeing agreement, also covering the construction phases and including a timetable for its implementation. The development shall be undertaken in accordance with the Travel Plan as approved.

Reason: In the interests of highway safety, transport sustainability, to reduce the impact of vehicle movements on the amenities of surrounding villages and to comply with Government advice contained in PPG13: Transport.

- 9 Before development commences any vehicle within the car processing area over 1.45metres in height shall be parked in a designated area the details of which shall be submitted to and approved in writing by the Local Planning authority and in no other area when not required for specific processing activities.

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.

10. 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. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details prior to the commencement of the development hereby approved.

Reason - To screen long distance views of the vehicles and to ensure the satisfactory appearance of the completed development, and to comply with Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

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.

Your 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.