

Buildings 485, 488 And Land Surrounding Those  
Buildings (Dorchester Phase 6)  
Heyford Park  
Camp Road  
Upper Heyford

16/00263/F

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

**Applicant:** Dorchester Group

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

**Proposal:** Demolition of Buildings 485 and 488 and the erection of 43 dwellings with associated parking, infrastructure, landscaping and public open space

**Committee Date:** 04.08.2016                      **Recommendation:** Approve

## 1. Application Site and Locality

1.1 The application site for this proposal is part of the former RAF/USAF Upper Heyford base. Located to the south side of Camp Road almost at the heart of the former settlement area, the site consists of an area formerly occupied by residential buildings and, with the exception of Buildings 485 and 488, now mostly demolished.

1.2 The base was designated a conservation area in 2006, its primary architectural and social historic interest being its role during the Cold War. The nature of the site is defined by the historic landscape character of the distinct zones within the base. The designation also acknowledges the special architectural interest, and as a conservation area, the character of which it is desirable to preserve or enhance and provides the context and framework to ensure the setting and appearance of sections of the Cold War landscape are preserved. This application is within the Residential Zone-10B- RAF Domestic and Residential Section as defined within the Conservation appraisal.

1.3 In the appraisal, the character of the Area is described as:

*10B RAF Domestic and Residential Section: The 1920s, red brick, RAF buildings to the south of Camp Road are laid out around and orientated towards the parade ground. The style of the buildings within the area is again British Military and because of their grid-like orientation the area has a strong 'campus' character distinct from the Technical Site to the north on the other side of the road. The area immediately south of the parade ground was developed during the period of RAF expansion in the 1930s. The area is dominated by the Institute (488) and H blocks (489, 498 and 500) set around it. This area has a coherent character distinct from the 1920s buildings. The general 'military architect' character of the area has been diluted by post-war alterations*

- 1.4 No buildings on the site or in proximity are either scheduled ancient monuments or statutorily listed buildings. Buildings 485 and 488 are not statutorily listed but are defined in the Conservation Area Appraisal as structures making a positive contribution to the special character of the Conservation Area. Both are 'Non Listed Buildings of Local Significance'. In the Conservation Area Appraisal, the importance of Building 485 was attributed to its 'group value of 1920s domestic buildings surrounding the parade ground' whilst Building 488 had individual features of merit in terms of internal and external design.
- 1.5 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.
- 1.6 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 significant was application ref 08/00716/OUT. Following a major public inquiry that commenced in September 2008 the Council received the appeal decision in January 2010 that allowed "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)." This permission included the flying field and the uses and development permitted upon it at the appeal have been implemented under the appeal permission. Included within this decision were a number of applications for conservation consent including demolition of Building 485 and 488 and all were granted consent. As these consents have been implemented there is a view that they remain extant.
- 1.7 The development of the settlement and technical areas has been delayed as the site was acquired by new owners and the current applicants who decided to refine the approved scheme. As a result, a new masterplan was drawn up which, whilst similar to the one considered at appeal, has been modified. The main reason for a fresh application arose from the desire of the applicant to retain more buildings on site. Apart from that, the most significant changes are a new area of open space centred on the parade ground (the northern boundary to this site), the retention of a large number of dwellings including 253 bungalows, and more of the heritage buildings (including 485 and 488), the demolition of which was previously consented. The retention of these buildings at their existing low density has meant the masterplan has expanded the development area west on to the sports field.
- 1.8 The revised masterplan was submitted as part of the outline application for "Proposed new settlement for 1075 dwellings, together with associated works and facilities, including employment uses, a school, playing fields and other physical and social infrastructure" and was granted permission on 22nd December 2011 (ref 10/01642/OUT). The planning permission included a number of plans with which compliance was required including a masterplan, a retained buildings plans and other plans showing layouts all of which included the retention of Buildings 485 and 488, the latter being proposed for a commercial use to add a bit of mix and variation in an area otherwise entirely residential in use and appearance.

1.9 A number of reserved matters have been submitted, approved and implemented for permission 10/01642/OUT. As a result this part of the site is starting to take shape. To the north of the application site is the former parade ground which is being retained as open space and will become the "village green". To the east a new road, Wellington Road, has been constructed with access to Camp Road and which forms the eastern boundary to the village green and the application site. It provides access to Phase 3 of the housing development to the east of Wellington Road, a scheme for 50 houses (ref 14/01500/REM) that both frames the village green and forms the rural edge, as well as access to the application site. To the south approval has been given to Phase 4 and the land cleared ready to implement the consent for 86 dwellings approved under reference 15/01612/REM. This scheme will build up to the rural edge of the site's southern boundary. A further phase of development of 60 dwellings has recently been approved to the west of the site (ref: 16/00627/REM). In conclusion, although the new settlement is taking shape a large area has been cleared of buildings, with the exception of 485 and 488, and has the appearance a development site.

## **2. Description of Proposed Development**

- 2.1 The application site area measures some 1.7 hectares. It is proposed to demolish the two existing buildings on the site, 485 and 488, and erect 43 dwellings with an area of open space 0.106 hectare in size containing a Local Area of Play (LAP) together with associated infrastructure. Of the 43 dwellings it is proposed 30 units will be market housing (3x1 bed, 15x4 and 14 x5), 9 affordable rented (2x1 bed, 5 x 2 and 2 x 3) and 4 intermediate (2 x 2 bed, 2 x 3 bed). They are mainly 2 storied although some have rooms in the roof space and some with outlook to the village green are three storied. The latter continue the theme of the set piece grand villa already undertaken on the eastern edge of the village green with this application having a line of dwellings curved to reflect the southern arc of the village green. The other houses have a wide range of styles but follow the theme of pared down arts and crafts reflective of the earlier phases of development and based upon the houses built at Heyford in the inter war period.
- 2.2 Considerable pre application discussion took place before the application was submitted and several compromises have had to be made as a consequence of development being modified outside the application site, for example the size of the village green increasing in size. One point on which the Officer's and applicant could not agree was on retaining Buildings 485 and 488. As can be seen, the applicants have decided to follow a course of demolition rather than conversion and refurbishment. Documents submitted with the application "demonstrate that it is not viable to retain and convert either Building 485 and 488 for residential use or 488 for the permitted office use". Because of these changes to the scheme granted outline planning permission, this application has to be for full planning permission.
- 2.3 By removing the two buildings the layout is varied from that set out in the outline masterplan and approved design code. The site is bounded by a main primary vehicular route to its western boundary, primary as it is an internal bus route, and by a tertiary street to its eastern boundary. A new road, a community street with a shared surface, has been incorporated through the middle of the site thus allowing for a more traditional form of street pattern. There is some variation in the layout however caused, in particular by the desire to retain some important trees.

- 2.4 During processing of the application the scheme has been modified in a number of ways as part of a positive engagement between applicant and Local Planning Authority including changes to the design of the houses, to improve their appearance and to aid natural surveillance, improvements to boundary treatment, layouts have been modified, more parking created and to retain and add further trees. Further information has been provided to support, justify and reinforce the applicant's case as to why this development should be permitted.
- 2.5 The application has been supported by a considerable amount of documentation including:
- Planning, Heritage and Design Statement (and later addendum)
  - A Design and Access Statement
  - Aboricultural Impact Assessment and Protection Plan (and addendum)
  - Construction Specification
  - Bat Survey
  - Affordable Housing Statement
  - And a Draft heads of Terms for a s106 Agreement

### 3. Relevant Planning History

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
07/02350/CAC	Demolition of existing structures as part of lasting arrangement of Heyford Park	REF Permitted at appeal
08/00716/OUT	OUTLINE application for 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).	UNDE Permitted at appeal
10/01642/OUT	Outline - Proposed new settlement of 1075 dwellings including the retention and change of use of 267 existing military dwellings to residential use Class C3 and the change of use of other specified buildings, together with associated works and facilities, including employment uses, a school, playing fields and other physical and social infrastructure	PER

In addition to the above site specific permissions, the following outline permission and reserved matters have been approved that are also of relevance:

13/01811/OUT OUTLINE - Up to 60 dwellings and public open space with associated works on land to the west of the application site.

- 16/00627/REM Reserved Matters to 13/01811/OUT - Erection of 60 dwellings and public open space with associated works
- 15/01612/REM Reserved Matters to 10/01642/OUT - Erection of 86 dwellings with associated car parking, infrastructure, associated works and public open space on land south of the application site
- 14/01500/REM Reserved Matters to Outline application (10/01642/OUT) - Erection of 50 dwellings with associated car parking, infrastructure and associated works on land to the east of the site
- 15/00153/REM Reserved Matters to Outline application 10/01642/OUT - Village green including sports provision on land to the north of the site.

#### **4. Response to Publicity**

The application was publicised by way of neighbour notification letters and notices displayed on and near to the site. Comments have been received from 1 local resident and are summarised as follows:

- The RAF Upper Heyford Conservation Area Appraisal Section 8 Paragraph 8.2.3 identified a number of buildings of Local Significance, 10 of which are/were located around, or in the vicinity of, the Parade Ground. Of the 10 six have already been demolished,
- Two buildings (455 and 457) are being retained, albeit with modifications, for future use. Of the remaining structures of the 10, 485 - 1920s Barrack Block is being put forward for demolition, as is 488 - the Art Deco Dining Room and Airmens Institute. The loss of these last two icons of a former era seemingly goes against the aims and wishes of Cherwell District Councils own conservation plans and wishes for the former RAF station, whilst possibly conflicting with the mission statement of Dorchester Group.
- Several residents of the redeveloped base say they would not wish to lose both of the buildings but more specifically building 485. The logic behind and case for removing 488 seems to be the stronger, due to its state of disrepair and the number of new dwellings that could be built in its stead. The same cannot be said for 485 as its base area is significantly less. I strongly urge you to consider Building 485 to be a valued feature which should be retained, either for community use or converted to apartments. This building would perfectly frame the central feature of the development; it would help to preserve the history of the base whilst providing for either several flats/accommodation or as an asset for future generations.
- The Residents Association letter may contain a few inaccuracies regarding how the buildings will be viewed a part of the new development, the historic significance of the last of the barrack blocks (the sites history clearly defines the high quality of the original build and the prestige status that was awarded to RAF Upper Heyford), the views of the residents (both old and new), and what will be lost from their demolition.

#### **5. Response to Consultation**

Parish/Town Council: The Upper Heyford Parish Council has no objection to this application.

Cherwell District Council:

## Head of Strategic Planning and the Economy

### The Planning Policy Team's main observations are:

No planning objection in principle to residential use subject to a satisfactory resolution of the detailed matters raised in this response:

- The former RAF Upper Heyford site is identified as a strategic site in the Adopted Cherwell Local Plan under Policy Villages 5.
- Policy Villages 5 provides that the site will provide for approximately 1,600 dwellings (in addition to the 761 (net) already permitted).
- Delivery of the dwellings allocated in the Local Plan Part 1 and detailed in the Local Plan housing trajectory at the former RAF Upper Heyford site is integral to the delivery of the strategy of the plan as a whole and meeting identified housing needs.
- The Council has jointly commissioned, with site owners the Dorchester Group, a Development Framework Plan prepared by LDA Consultants to demonstrate how the level of growth identified within Policy Villages 5 could be delivered. This has not yet been published.
- The application proposes the demolition of two building and the construction of 43 dwellings, market and affordable.
- The application site lies within the 'settlement area' encompassed by the site boundary of approved planning application 10/01642/OUT. Application 10/01642/OUT proposed the retention of building 485 and partial retention of building 488. Both buildings were proposed for demolition under earlier application 08/00716/OUT, allowed following an Inquiry. The principle of residential use at the application site has been established in these previous permissions.
- The application site forms part of the Former RAF Upper Heyford Conservation Area, specifically Character Area 10B, within the RAF domestic and residential section. Buildings 485 and 488 are not statutorily listed but are defined in the Conservation Area Appraisal as structures making a positive contribution to the special character of the Conservation Area, both are 'Non Listed Buildings of Local Significance'. In the Conservation Area Appraisal, the importance of Building 485 was attributed to its 'group value of 1920s domestic buildings surrounding the parade ground' whilst Building 488 had individual features of merit in terms of internal and external design. Specialist advice should be sought on the continued significance of these individual buildings. It is important to ensure that the overall character and appearance of the Conservation Area can be preserved or enhanced. Policy ESD 15 states that "New development proposals should conserve, sustain and enhance designated and non-designated heritage assets...proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG".
- Policy C23 of the Adopted Local Plan 1996 sets out a presumption in favour of retaining buildings which make a positive contribution to the character or appearance of a Conservation Area.
- Policy Villages 5 sets out that proposals must demonstrate that the conservation of heritage resources, landscape, restoration, enhancement of biodiversity and other environmental improvements will be achieved across the whole of the site. New development should reflect high quality design that responds to the established character of the distinct character areas. Retained features should be integrated into a high quality place that creates a satisfactory living environment. The scale and massing

of new buildings should respect their context. Building materials should reflect the locally distinctive colour palette.

- Policy Villages 5 sets out that development should be designed to encourage walking, cycling and use of public transport rather than travel by private car, with the provision of footpaths and cycleways that link to existing networks. Improved access to public transport will be required. Layouts should enable a high degree of integration with development areas within the overall Local Plan allocation, with connectivity between new and existing communities.
- Policy Villages 5 and Policy ESD 10 require a net gain in biodiversity.
- Policy Villages 5 and Policy ESD 7 require the provision of sustainable drainage including SuDS.
- The proposal is for 43 dwellings on a site of 1.7ha, a proposed (gross) density of 25 dwellings per hectare. Policy BSC 2 of the Adopted Cherwell Local Plan states that new housing should be provided on net developable areas at a density of at least 30 dwellings per hectare unless there are justifiable planning reasons for lower density development. It should therefore be considered whether the character and appearance of this part of the site provides sufficient justification for a lower density having regard to overall housing requirements.
- In terms of housing mix, for market housing the application proposes 1No. 3 bed house, 15No. 4 bed houses and 14No. 5 bed houses. Policy BSC 4 of the Adopted Cherwell Local Plan seeks to secure a mix of housing that reflects the needs of an ageing population, a growth in smaller households and which meets the requirements for family housing. Paragraph B.123 states that the Strategic Housing Market Assessment for Oxfordshire advises that there is a greater need for 3 bed properties in Cherwell and that the overall mix identified is focused more towards smaller properties. Policy BSC 4 states that the mix of housing will be negotiated having regard to the Council's most up to date evidence on housing need and available evidence from developers on local market conditions. The mix of housing as proposed does not meet the objectives of policy BSC4.
- The proposal comprises 30 market houses and 13 affordable houses, which accords with Policy Villages 5 which requires at least 30% affordable housing at the Former RAF Upper Heyford site. The tenure split of the affordable dwellings accords with the requirements of Policy BSC 3 (70% affordable rented, 30% intermediate affordable homes) although, as with the market dwellings, the housing mix in terms of size does not meet the objectives of policy BSC 4.
- Policy Villages 5 requires that all development proposals will be expected to contribute as necessary towards the delivery of infrastructure provision through onsite provision or an appropriate off-site financial contribution to education, health, open space, community, transport and utilities infrastructure.
- The proposal includes the provision of a Local Area of Play of approximately 1000sqm. The quantitative level of provision accords with
- Policy BSC 11 also contains accessibility and qualitative standards, for example that a LAP should be within 5 minutes' walk, and that the LAP should be in a safe and secure location with good access to the site. It should be ensured that the qualitative and accessibility standards are met.
- The submitted Construction Specification document states that the dwellings will achieve a water usage limit of 125 litres per person per day. Policy ESD 3 of the

Adopted Cherwell Local Plan requires all new dwellings to achieve a limit of 110 litres per person per day (a higher standard of water efficiency, given that Cherwell District is in an area of water stress).

- According to the Design and Access Statement, the proposed dwellings will be constructed to energy efficiency standards required by the Building Regulations. Policy ESD 3 of the Adopted Cherwell Local Plan states that the strategic sites are expected to provide contributions to carbon emissions reductions and to wider sustainability and the applicants are encouraged to consider energy efficiency performance above the Building Regulations. Policy Villages 5 requires that development at the Former RAF Upper Heyford site provides an exemplary demonstration of compliance with the requirements of Policies ESD1 – 5.

#### Conservation Officer:

This proposal is for the demolition of Buildings 485 and 488, which are identified within the conservation area appraisal document as make a positive contribution to the residential and parade ground area within the Conservation Area at former RAF Upper Heyford.

The planning history for this part of the Upper Heyford Airbase is complex. The buildings were identified within the Revised Comprehensive Planning Brief (2007) as structures which made a contribution to the significance of the conservation area and should be retained. However, permission, following a public enquiry (08/00716/OUT), was granted for their demolition. A subsequent approved application (10/01642/OUT) included a revised scheme which includes the retention of both Building 485 and 488 together with restoration of the parade ground.

The planning history aside it remains the case that Building 485 and 488 both continue to make a positive contribution to the character of the airbase and its significance. The loss of these buildings would clearly harm the significance of the Conservation Area.

The significance of the former Upper Heyford military base is derived from being both one of the earlier model RAF airfields upon which other airfields of its type were based during the interwar period expansion period, as well as being one of a limited number of bases that at the end of WWII were selected for transformation into a purpose-built airbase to house aircraft of the United States Air Force (USAF) and Strategic Air Command (SAC). This therefore gives both the RAF buildings and the later USAF-related buildings an intrinsic significance both in terms of their architecture and their role in military history.

Buildings 485 and 488 are located on the domestic part of the Upper Heyford site.

Building 485 is a type B barrack block constructed as part of the first phase of development on the site following re-occupation by the RAF in 1924. Building 488 - the Airman's Dining Room and Institute - which stands behind Bld 485, was built as part of the expansion of the RAF station in the 1930s in contemporary Art Deco architectural style. Both buildings are good examples of their type and the cohesion of materials and style within this group of buildings ensure they both individually and collectively makes a positive contribution to the character of the residential area. This contribution is identified within the Conservation Area Appraisal (2006).

Both buildings are of a domestic scale and eminently capable of conversion as proved at former RAF Bicester where the domestic section of the former military airfield has been converted wholesale to residential accommodation. A case in point is Building 20 at former RAF Bicester. Conversion of existing buildings can both preserve and enhance and enhance the existing unique character of Heyford Park which is essence is military at heart (and not country village or urban extension). The conversion of existing buildings will provide units at a greater density than that of the proposed rebuild scheme. The impact of their removal is therefore two fold: a) the loss of a significant structures which makes a strong contribution to the Conservation Area, b) the reduction in development intensity on this area of the site has a knock on effect to other areas of the Conservation Area, with development potentially extending to other, more sensitive areas to meet the Local Plan housing allocation.

The character and layout of the proposed replacement housing is without any unique properties, at best it can only be described as bland and pedestrian. The proposal could be a housing estate located anywhere within Britain. It cannot be argued that the proposal contributes significantly to the unique character of the domestic area within the conservation area. The very opposite can be said of Buildings 485 and 488 which have become landmark buildings within the site.

I do not consider that a sound case has been made which demonstrates that these buildings cannot be retained as is set out in the consented masterplan. Further insufficient justification is provided to show that the level of harm is outweighed by the benefit of the replacement buildings.

Recommend refusal.

Contrary to Policy:

NPPF

126 – the proposal fails to preserve, sustain or enhance the significance of the heritage asset.

131 – the buildings concerned in this application are capable of conversion and being put into viable use; the new development erodes rather than contributes to the local character and distinctiveness.

133 – the harm to the heritage asset does not outweigh any perceived benefit.

Cherwell Local Plan

ESD15 – erosion of local distinctiveness; failure to contribute positively to the character and identity of the conservation area; and failure to respect the layout, form, scale of the site.

Urban Design Consultant (on original submission):

Proposed Demolition

The proposed demolition of buildings 485 and 488 is regrettable particularly as a building similar to building 488 has been converted so apparently successfully at the Garden Quarter in Bicester. These survivors of the historic use of the site should be seen as assets that contribute to historic context and sense of place and aid legibility. Irrespective of their heritage significance retention of one or both buildings is desirable to provide interest and help differentiate and add interest to a fairly homogeneous form of development beyond the

distinctive character of the buildings around the green. I would urge the applicant to reconsider refurbishment of these building and if not both then 488 in particular.

#### Distinction and Legibility

If loss of buildings 485 and 488 is approved then the applicant should be asked to consider compensatory introduction of a one or two distinctive 'rogue' buildings as incidents to relieve the homogeneity of much of the development and to aid legibility. Such buildings should be distinctive one-off designs.

#### House Types

House type SP1-V2 has poor proportions with a tall roof and too much unbroken space between the first floor window heads and the eaves. All traditional form houses should have chimneys or flues punctuating their roofline. The affordable housing in particular should not be distinguishable by lack of chimneys.

#### Street Scenes

Not all streets scenes are covered by the submitted plans.

#### Sub-Station

Although the sub-station is not part of this application its prominence in the street needs to be considered in relation to whether there needs to be any mitigation of its visual impact within this development.

#### Parking

Although tandem parking has been approved elsewhere on the Heyford Park development it is inconvenient for users and tends to lead to more parking on the carriageway or half-on half-off footways. I note that only two on street visitor parking bays have been designed into the layout. The 'Space to Park' - URBED / University of Edinburgh / Design for Homes 2013 study recommended that 'The number of unallocated spaces should at least be 20% in addition to the allocated spaces'.

On-plot parking between some buildings does not appear to be well overlooked from the adjacent houses e.g. plots 338-340.

Parking bays for plots 329 & 330 have fairly poor surveillance which should be improved.

#### Trees

A few of the proposed new trees appear to be located in impractical locations i.e. fronting plots 301, 304 & 307.

There appears to be room for some additional street trees:

- Adjacent to the side wall of the rear garden of plot 317.
- In front of plot 341
- In front of plot 313
- Adjacent to parking bay 310
- Adjacent to the visitor parking spaces

There also appears to be scope for light foliated trees e.g. birch (e.g. *Betula jacquemontii*) in rear gardens. Some of these would also benefit the street e.g. close to the side rear garden wall of plot 307. Some could be located to interrupt back-to-back views and aid privacy.

#### Boundary Treatments

Some of the close-board fenced rear garden boundaries adjacent to on-plot parking will be very visible from the street. It would be better for them to be replaced with continuation of the side rear boundary brick walls in the following locations:

Rear boundaries of plot 318 & 336

The close-boarded fencing behind tandem parking for plots 323, 325 & 326 and behind parking for plots 327 & 328 should also be 1.8m high brick walls.

Rear garden gates should be match-boarded, not close-boarded.

#### Regeneration and Housing

As this is a new application outside the red line permission for the wider site the current affordable housing policy position of 30% is applicable.

In general the location of the affordable housing is acceptable. I would suggest that the parking for plots 323-330 needs improvement, and also to avoid making it a private drive area, given that this will leverage an additional service charge on what is meant to be affordable housing tenants/purchasers.

The units will need to meet the HCA's Design and Quality Standards as well as 50% of the rented to meet Building Regulations requirement M4(2) Category 2: Accessible and Adaptable Dwellings.

#### Recreation and Leisure Services:

Indoor community space will be required. Community facility plans have already been submitted and are under discussion and review with Dorchester group. The addition of the 43 dwellings as part of this application and the implication on community facilities will be assessed as part of the overall community facility discussions.

There will be an obligation to provide artist led public art activity or artworks on site in conjunction with the Public Art Statement for Heyford (March 2016) detailing the phased approach.

#### Landscape and Tree Officer:

The original scheme raised concerns about, inter alia, the location of the LAP, the type of trees and shrubs being proposed, loss of some trees, and space left for planting. However, following the submission of revised plans the objection has now been withdrawn.

#### Oxfordshire County Council:

## Transport

No objection subject to conditions

Key issues:

The change of use will lead to a small net reduction in trip generation.

Parking provisions are acceptable.

A Travel Information Pack will be required.

Improvements will be required to the road design under the Section 38 or Section 278 agreement.

Further information regarding drainage proposals is required.

Detailed comments:

Transport Strategy:

Clause 14 in the legal agreement for 10/01642/OUT dated 22/12/11 sets a ceiling of 1075 dwellings (or 1,035 as varied by the agreement for 13/01811/OUT). Any development over and above this ceiling will be expected to contribute to a transport mitigation package for allocation covered by Policy Villages 5. Moreover, a comprehensive masterplan that sets out the transport mitigation package required to mitigate the additional growth should be in place prior to the determination of applications that will exceed the ceiling.

Transport Development Control

It is noted that this is a Full planning application rather than a Reserved Matters application under 10/01642/OUT. In this respect the Design and Access Statement notes that:

*“Section 2 of this report...explains that due to a change in use from residential, commercial and village green to residential, the decision was made to submit a full planning application.”*

Section 3 of the Planning, Heritage and Design Statement Addendum quantifies the change of use as 20 additional residential units with the removal of 1,500m<sup>2</sup> of B1 employment. Reference to the TRICS trip generation database indicates that this change would lead to small a net reduction in trip generation. The change of use is therefore acceptable.

Car parking provisions are acceptable. The provision of sheds for cycle parking at dwellings with no garage is welcomed.

Travel Plans

This is a small part of the much larger Heyford Park development that already has a travel plan which will act as the guiding master document for the site. This development should form a small part of the master travel plan and be guided by the aims of that travel plan.

A Travel Information Pack will be required.

Road Agreements

The basic layout of the roads is acceptable, although more detail will need to be submitted to the Road Agreements team under the Section 38 or Section 278 agreement. In this respect it should be noted that the Vehicle Tracking Layout suggests that a car might have difficulty passing a large vehicle in the adoptable shared surface road. As a result cars might be forced to reverse, or overrun the verge. OCC would expect a slightly wider road or the provision of a safe waiting/passing area in an adoptable road. If such provisions are not made then OCC might choose not to adopt the road. These matters could be resolved through the Section 38 or Section 278 process.

Drainage

Additional information with respect to drainage is provided within the document Planning, Heritage and Design Statement Addendum (24th May 2016).

Maintenance

The maintenance schedule provided within Appendix 1 of the Statement should form part of a more comprehensive 'SUDS Site Management and Maintenance Plan' for the development. The scope of this document should be based on the advice given in 'The SUDS Manual' (Ref:

Ciria 753) Chapter 32 - Operation and Maintenance. ( and deal with any health and safety issues)

It is proposed that the production of a more comprehensive SUDS Maintenance and Management Plan should form part of a planning condition for the development.

Detailed design of the outfall structure at the Gallos brook including section showing levels are not included in the planning application documents. However, it is understood that the outfalls are already constructed and drawings can be provided if required. Page 5 of 7

Flood Route:

The flood route on the development and storage areas is not included in the planning application documents. However, material received subsequent to the planning application shows the proposed exceedance flood route. This is shown on Drawing No. HEYF /5/148/C. Surface Water Drainage Overview – Residual Flooding, which is included with this response.

Further work to update the drawing to reflect more recent microsimulation modelling result, storage area changes, and any existing as-built changes, but that the substantial body of work required for approval has been undertaken already. It is therefore proposed that work to update Drawing No.HEYF /5/148/C and associated will form a condition to the approval.

Education & Property: No objection

Key issues:

This application represents a net increase of 20 residential units over and above that originally envisaged for the application site but will no longer include any employment uses.

Whilst it is the County Council's view that a comprehensive masterplan that sets out the mitigation package required to mitigate the additional growth should be in place prior to the determination of applications that will exceed the ceiling, from an education and property perspective due the limited amount of additional dwellings proposed the approach suggested by the applicant in the heads of terms document dated 24th May of taking a similar approach to the Dow Street S106 (13/01811/OUT) would be acceptable in principle.

However, it is noted that Para. 2.7 of the S106 Heads of Terms proposes increasing the ceiling to 1,178 dwellings. This does not take into consideration that 23 of the proposed dwellings are already included within the existing ceiling; the increase in the ceiling should only be for the 20 additional dwellings over and above those covered by the existing permission. The new ceiling should therefore be 1,155 dwellings.

Other External Consultees:

Historic England:

This application involves the demolition of buildings which make a positive contribution to the Conservation Area but have a complex planning history. Permission has previously been granted for their demolition but a subsequent application and masterplan involved their retention. We do not consider that a sound case has been made which demonstrates that they cannot be retained as is set out in the consented masterplan.

Historic England Advice:

This application includes the demolition of Buildings 485 and 488 on the domestic part of the Upper Heyford site. Building 485 is a type B barrack block constructed in 1837 as part of the first phase of development on the site following re-occupation by the RAF in 1924. It stands at the south end of the parade ground and was identified in the Conservation Area Appraisal (2006) as making a positive contribution to the character of the area due to its value as part of a coherent group of 1920s buildings in the British Military style surrounding the parade ground. The appraisal recognised the strong building lines and campus quality of the parade ground area. This set of buildings are also of historical interest as Upper Heyford was the first of the interwar RAF airfields to be constructed and the buildings and layout served as a model for those that came later.

Building 488, the Airman's Dining Room and Institute, is slightly later and forms part of the expansion of the RAF base in the 1930s. This is also identified as a positive contributor in the Conservation Area Appraisal which notes its Art Deco styling and its coherent character with the H-blocks (buildings 489, 498 and 500), though this has been diluted by post-war alterations and additional buildings. We concur with the conclusions of the Appraisal and regard these buildings as good examples of their type which help tell the earlier history of the base, form a coherent group and thus contribute to the significance of the conservation area. The value of these buildings was also recognised in the revised comprehensive planning brief for the site, issued in 2007, which identified them as to be retained. The subsequent application to redevelop the site 08/00716/OUT, which received planning permission following a public enquiry, recognised their significance (Pegasus Planning Ground drawing N.0111\_18-1d of 2008) but included their demolition. Subsequently a revised scheme (10/01642/OUT) was submitted and received planning permission. This included the retention of both buildings 485 and 488 along with the restoration of the parade ground. However, it also involved the demolition of building 459, which again is a 1920s building identified as making a positive contribution to the Conservation Area which was to have been retained in application 08/00716/OUT. On balance we concluded that that the masterplan set out in 10/01642/OUT represented a better outcome for the heritage of the base as Buildings 485 and 488 are of high architectural quality, better illustrate the function of this part of the base in the 1920s and allow a sense of the parade ground bounded by buildings to be retained.

The loss of these buildings would clearly harm the significance of the Conservation Area. While the defining characteristic of the Conservation Area is as a Cold-War airbase its early occupation by the RAF is an interesting aspect of its history. The buildings in question are among the more interesting and better preserved of the survivors from this phase on the site and therefore we conclude that their loss would entail a high, but not substantial, level of harm. In our view the Planning and Heritage Statement submitted in support of this application underplays the interest of these buildings and overplays the impact of alteration that have been made to them, leading to an underassessment of their significance. According to paragraph 132 of the NPPF *any* harm to a designated heritage asset (which includes Conservation Areas) requires a clear and convincing justification whilst paragraph 134 of the Framework requires harm to be balanced against the public benefits of the application. Furthermore, section 72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 requires Local Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

We are aware that during the 2008 appeal the Inspector concluded that the demolition of these buildings were justified on the basis that the costs of conversion would not be justified by the quality of the result and that it would be difficult to integrate the new development within a new development of high quality design. At the time we accepted that these buildings could be demolished. However, the 2010 application demonstrated that they could be incorporated into such a scheme and the fact that the applicant submitted such a scheme suggested that they considered it feasible in economic terms. The Planning and Heritage Statement submitted in support of this application gives no justification for the harm beyond quoting the Inspector's views on the 2008 scheme. Given the presence of the 2010 scheme for the retention of these buildings in our view a more robust justification and explanation of the public benefits should be required if the Council is to accept the level of harm involved.

#### Recommendation

English Heritage recommend that this application is refused on the basis that a robust justification for the harm to the Character of the Conservation Area that the proposals entail has not been provided. The Council should only accept this level of harm if a clear case is made that implementing the masterplan set out in the permitted application 10/01642/OUT is not practical.

The Heyford Park Residents Association: was in support of the proposals put forward, and as we had no objections we declined to comment. We subsequently understand, post standard consultation date expiry, that there are concerns with knocking down buildings 485 and 488 to make way for this phase of development.

The Heyford Park Residents and Community Development Association is concerned that if these two buildings remain they will not be in keeping with the rest of the development and the scale and mass of these buildings looking down on other new build houses will be significant. The plans outlined in the application are much more in keeping with the development and we are pleased that buildings 455 and 457 north of the village green have been retained and are being put to good use.

We as a community in the main remain firm that the heritage aspect of the former airbase has already changed beyond recognition and importantly the key heritage assets are being retained.

We continue to raise our concern that we are preserving buildings for preservations sake, when there are other good examples locally, and we welcome a sensible planning approach ensuring appropriate housing density is planned on Brownfield land first before any Greenfield development.

#### Thames Water:

##### Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

##### Water Comments

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

##### Supplementary Comments:

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

#### Environment Agency:

We have no objection to the proposal as submitted provided a condition on contamination is included.

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

### **6.1 Development Plan Policies:**

The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the Development Plan. Planning legislation requires planning decisions to be made in accordance with the Development Plan unless material planning considerations indicate otherwise. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

Cherwell Local Plan 2011 - 2031 Part 1

ESD15 - The Character of the Built and Historic Environment

VIL5 - Former RAF Upper Heyford

PSD1 - Presumption in Favour of Sustainable Development

BSC1 - District Wide Housing distribution

BSC2 - The Effective and Efficient Use of Land

BSC3 - Affordable Housing

BSC4 - Housing Mix

BSC7 - Meeting Education Needs

BSC8 - Securing Health and Well Being

BSC9 - Public Services and Utilities

BSC10 - Open Space, Outdoor Sport & Recreation Provision

BSC11 - Local Standards of Provision - Outdoor Recreation

BSC12 - Indoor Sport, Recreation and Community Facilities

ESD1 - Mitigating and Adapting to Climate Change

ESD2 - Energy Hierarchy

ESD3 - Sustainable Construction

ESD6 - Sustainable Flood Risk Management

ESD7 - Sustainable Drainage Systems (SuDS)

ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment

ESD13 - Local Landscape Protection and Enhancement

ESD15 - The Character of the Built Environment

## Cherwell Local Plan 1996 (Saved Policies)

C28 - Layout, design and external appearance of new development

C23 - Retention of features contributing to character or appearance of a conservation area

C30 - Design of new residential development

## 6.2 Other Material Planning Considerations:

National Planning Policy Framework (The Framework) - National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied.

Planning Practice Guidance (NPPG) – This sets out regularly updated guidance from central Government to provide assistance in interpreting national planning policy and relevant legislation.

RAF Upper Heyford Conservation Appraisal 2006 (UHCA)

In addition a design code was approved in October 2013 in order to comply with Condition 8 of planning permission 10/010642/F. This was required to “to ensure that the subsequent reserved matters applications are considered and determined by the Local Planning Authority in the context of an overall approach for the site consistent with the requirement to achieve a high quality design as set out in the Environmental Statement, the Revised Comprehensive Planning Brief for the site, and Policies UH4 of the Non Statutory Cherwell Local Plan, H2 of the Oxfordshire Structure Plan 2016 and comply with Policies CC6, CC7 and H5 of the South East Plan 2009.” Although this application is a full one the contents of the code are still an important guide for the developer and Planning Authority.

Application 08/0716/OUT- Appeal decision; both the Secretary of State's decision letter and the Inspector's report are of significance to this application

## 7. Appraisal

### Relevant Background

- 7.1 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).” was granted in 2010 following a major public inquiry (ref 08/00716/OUT).
- 7.2 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) have to be submitted within a period of six years. This site is slightly different in so far as although it was shown on the approved parameter plan for residential use, it was envisaged Buildings 485 and 488 would be retained and the latter reused for commercial purposes in order to provide some local employment and to break up the dominant residential use and character. Because

of this change in process and to the approved masterplan, and the need for demolition of the two buildings to be approved, the applicant has submitted the details as a full application.

- 7.3 The appeal and subsequent planning decisions have already been taken into account by the Council as part of its 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. Furthermore, in the CLP, additional sites have been allocated for development in and around Heyford including south and east of the application site.
- 7.4 Extensive pre application discussions have been had on this site firstly about seeking to retain Buildings 485 and 488 and secondly, about the architectural form and detail of this area. Although not statutorily listed they are of local interest and as the site is located within the RAF Upper Heyford Conservation Area it is critical that the development reinforces and enhances the character of this area.
- 7.5 As many of the residential buildings across the site were built in the early 20th century and have a character that can be best described as a simple / pared back Arts and Crafts style, it has formed the inspiration for the new housing development. Greater detail on this can be found in the Design Code which has been used on this site as a guide to the form and layout of the proposed housing namely to secure a mix of formal and informal streets with dwellings creating a strong frontage presence to them.
- 7.6 Turning to the detail of the application, Officers' consider the following matters to be relevant to the determination of this application:
- Planning Policy and Principle of Development;
  - Five Year Land Supply
  - Impact on Heritage Assets
  - Affordable Housing
  - Density and Housing Mix
  - Landscape Impact;
  - Accessibility, Highway Safety and Parking;
  - Ecology
  - Flood Risk and Drainage;
  - Heads of Terms

### **Planning Policy and Principle of the Development**

- 7.7 Paragraph 14 of the NPPF makes it clear that there is a presumption in favour of sustainable development and that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits of it and also the harm that would be caused by a particular scheme in order to see whether it can be justified. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the Framework. It is also necessary to recognise that Section 38 of the Act continues to require decisions to be made in accordance with the development plan and the Framework highlights the importance of the plan led system as a whole.
- 7.8 The Development Plan for Cherwell District comprises the saved policies in the adopted Cherwell Local Plan 1996 and the adopted Cherwell Local Plan 2011-2031. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for

planning permission the local planning authority shall have regards to the provisions of the development plan in so far as is material to the application and to any material considerations. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise. This is also reflected in the National Planning Policy Framework (NPPF) at paragraph 11 which makes it clear that the starting point for decision making is the development plan.

- 7.9 Policy Villages 5 of the CLP identifies the former military base as a strategic site in the rural area for a new settlement. The land subject of this application is identified within that policy as part of a potential development area. The policy seeks to achieve a settlement of approximately 1600 dwellings in addition to those already approved. The policy also goes on to lay down specific design and place making principles including avoiding development on more sensitive and historically significant sites, retain features that are important for the character and appearance of the site, encourage biodiversity enhancement, environmentally improve areas, integrate the new and existing communities and remove structures that do not make a positive contribution to the site's special character.
- 7.10 The plans and supporting documentation demonstrate its conformity with the development plan. The significant elements are:
- Provision of further housing in order to meet the housing target and trajectory
  - Provision of 30% affordable housing
  - Contributions towards the meeting the cost of infrastructure provision
  - Development of a brownfield site
  - The environmental improvement of the locality
  - A commitment to high quality design and finishes reflective of the approved Heyford design code
  - Scale and massing of new buildings to reflect their context
  - Integration and connectivity to the surrounding development.

The main issues will be discussed in more detail below but in principle the application is seen to conform with Policy Villages 5.

### **Five year land supply**

- 7.11 The latest housing figures for Cherwell District Council have shown it has exceeded its five year land supply and can robustly defend against speculative development. The annual monitoring report for 2014/ 2015 undertook a comprehensive review of housing land supply as at December 2015. The figures showed that over three consecutive years Cherwell has continued to exceed its five year land supply due to an increase in housing construction and can now demonstrate a 5.1 year supply for 2014-2019; a 5.3 year supply for 2015-2020 and a 5.6 year supply for 2016-2021.
- 7.12 The Cherwell Local Plan outlines the preferred sites for 22,840 homes and 200 hectares of employment land between 2011-2031. Figures from the annual monitoring report showed 2,052 homes had been completed between 2011 and 2015, of which 946 were built during the 2014/2015. Of those completed over the past financial year, 44 per cent were built on previously developed land and 191 were marketed as affordable, including 22 self-build homes. It is expected that between 2015 and 2020, 9,034 new homes will be built and by 31 March 2021, 12,824 homes will have been built across the district over a ten year period. This equates to an approximate average of 1,282 homes per annum which exceeds the annual requirement of the adopted Local Plan 2011-2031 of 1,142 per annum.

7.13 Heyford is seen as a strategic development site by the Local Plan and was envisioned as a point of growth when the policy was drawn up. 1600 dwellings and 1500 jobs are proposed there under Policy Villages 5. This site is part of the land allocated for development in the relevant policy. In the last year 166 dwellings were constructed at Heyford making it one of the three main delivery sites for Cherwell. The Council have signed a statement of common ground with the developer and applicant committing to the expeditious implementation of the policy.

### **Impact on Heritage Assets**

7.14 This application seeks approval for another phase (phase 6) of development for Dorchester Homes. In this case it aims to achieve this by demolition of Buildings 485 and 488; all other buildings have now been demolished. 485 is British military style constructed in red brick under a hipped slated roof and was a Barrack Type B building dating from the 1920's. It was one of a group located around and orientated towards the parade ground which made them contained and self-referencing. The arrangement of these buildings on a grid enhanced the strong building lines and imbued the parade ground area with a campus quality. South of this the area was dominated by a number of H blocks, now demolished, and Building 488. These buildings came slightly later as the RAF expanded in the 1930's. Building 488 (also known as the lamplighter) was used as a Dining Room and Institute. Constructed in red brick with flat reinforced concrete roof, it is of interest due to its Art Deco style design influence on the with circular fan lights on the first floor and multi-rail staircase railings.

7.15 The views of the Conservation Officer and Historic England have been reproduced in full so Committee are aware of the strength of feeling held with regard to heritage. This view and the importance of 485 and 488 has been repeated at the various pre-application meetings on this scheme with the developers, and the disappointment of the Officers by the shift away from the more recently approved masterplan that recognised their importance and sought to achieve a sense of place by using them to frame the village green and in effect echo their juxtaposition to the former parade ground, back to the approved appeal masterplan that swept away most buildings on the south side of Camp Road.

7.16 The merits and significance of 485 and 488 had previously been considered at the public inquiry into planning application 08/00716/OUT. Of relevance to the present application is the view of the Inspector in her report to the Secretary of State:

*“19.405 My own visits to the site confirm that there are within the New Settlement Area south of Camp Road buildings of interest that make a positive contribution to the character or appearance of the Conservation Area. Those include the “Lamplighter” mess building (building 488) and the several 1920s types of barrack blocks and the other buildings listed by English Heritage and by the Local Planning Authority (EH NB1 and NB2 and CDC JE2 Appendix 2).*

*19.406 Most of those that make a positive contribution are of a form that is inflexible and/or could only be converted at a cost that is disproportionate to their importance or to the likely quality and versatility of the accommodation that would be provided. The costs of conversion would not be justified by the quality of the result. Overall the general character, appearance and disposition of the existing buildings would be very difficult to integrate within a new development of high quality design. Some buildings have been much altered. Mr Munby’s evidence convinces me that demolition of these buildings is justified subject to an acceptable replacement development.”*

This raises a number of issues but clearly she thought that whilst some buildings made a positive contribution to the Conservation Area, the cost of converting them would be unjustified.

- 7.17 The applicants have argued that since their masterplan was first approved the economics of development have changed. They have submitted a report which considers the viability of otherwise retaining and converting the two buildings to residential use and 488 also to a commercial use. It concludes that each option would result in significant financial loss beyond what would normally be expected, bearing in mind the rationale behind allowing development at Heyford was the preservation of the main heritage assets and environmental improvements, resulting therefore in a scheme that is unviable.
- 7.18 The applicants have submitted significant supporting documentation to assess the heritage assets effected by this application namely Buildings 485 and 488, but also the Conservation Area of course, and concluded the residential scheme with those buildings retained would not be a sustainable form of development and that the buildings would be isolated and seen out of context with their setting reducing their historical context and the interpretation of the buildings. There would be other planning implications including the consequent reduced density of development, overlooking and the difficulty to avoid loss of privacy, access to and servicing of the buildings. Aside from the cost of their conversion it also argues that the buildings have both been subject to extensive internal and external alterations reducing their historical and architectural integrity.
- 7.19 Turning to the guidance to Planning authority's contained in the Framework and the NPPG on the historic environment, the applicants have assessed the site's heritage assets and their significance. And whilst HE and the Conservation may disagree, the views have already been tested once at appeal albeit under a slightly different scenario.
- 7.20 Para 131 of the Framework advises: *"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.*
- 7.21 Para 132 goes on to advise: *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the 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. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."*
- 7.22 In this case Buildings 485 and 488 have undergone much change inside and out reducing their integrity. Their setting is also somewhat different now that the outline planning permissions and the CLP policies are being implemented. The assets are not listed other than of local interest. The Development Services Manager (DSM) is also conscious harm from their loss from Heyford, albeit regrettable, is to an extent is lessened by their preservation at RAF Bicester where the same buildings have been preserved and converted to residential use on a site where their wider context has also been preserved. The DSM therefore concludes there is

harm but on balance and taking all the matters raised by demolition of 485 and 488 into account the harm is not so substantial whereby consent should be refused.

- 7.23 Furthermore, under para 133 of the Framework, the Authority also has to consider if there is substantial harm or loss of an asset whether *“substantial public benefits are achieved, the nature of the heritage asset prevents all reasonable uses of the site; and no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and the harm or loss is outweighed by the benefit of bringing the site back into use.”* In this case the applicants have been asked to look at alternative uses but these were not seen as viable and possibly in conflict with plans to develop a new centre for the settlement. And again, the applicant argues keeping 485 and 488 would preclude reasonable use of the site and that the development of housing at Heyford provides substantial public benefit both in terms of securing optimum viable use, of the site, meeting the five year housing land supply and the provision of affordable accommodation.
- 7.24 The Framework goes on to say a balanced judgement will be required by the Planning Authority having regard to the scale of any harm or loss and the significance of heritage assets and in this case Officers have concluded that the demolition of 485 and 488 should be permitted and what is proposed provides an opportunity for an appropriate level of for new development that overall makes a positive contribution to preserve and enhance the character of and within the Conservation Area.

### **Design, Layout and Appearance**

- 7.25 Extensive work and discussions have been had with the developer to establish a layout and architectural vocabulary for the site which will reinforce and enhance its heritage value. In terms of house design, the Council’s Design Consultant has secured substantial revisions in the architectural styles proposed here. The architect’s use of the Design Code as a guiding tool can be seen by the simple arts and crafts style of the housing with cues being taken from the Officer’s housing and Carswell Circle, the use of a more formal design layout to the two main streets and the more informal layout to the new internal street. The site is within Character Area CA8 of the design code which is the core housing area to the east of Heyford.
- 7.26 Within this area dwellings have to provide a clear frontage to the street. Detached and semi-detached housing should predominate and be 2 or 2 ½ storey. Building lines should be consistent along the main streets but may vary within the site on secondary streets. This scheme reflects those requirements and in reality only deviates from the set principles by a change to the layout caused by the scheme having a blank canvas allowed by the demolition of 485 and 488. The type of house proposed, reflects very closely the scale, form and appearance of the Officer’s housing. There is a wealth of detailing in terms of chimneys, balanced fenestration, bays, gables and canopies. In line with the code materials are good quality bricks with some render as used elsewhere at Heyford. Roofs are slated. The result is formal to the village green and main street, and semi-formal away from it, but when taken together forms a harmonious blend. The Officers conclude that what is proposed conforms to CLP policies Villages 5 and ESD 15, and CLP96 policies C28 and C30.

### **Affordable Housing**

- 7.27 Policy BSC 3 sets out the requirement for Affordable Housing. However, Heyford has its own requirement under Policy Villages 5, 30%, which is to be secured on a site wide basis. The Council have secured through an earlier s106 agreement a strategy for the provision of

Affordable Housing. Furthermore, a further agreement is being negotiated under terms being drawn up for the provision of the 1600 dwellings required under Policy Villages 5. The applicant proposes 30% of the units to be affordable of which 10 will be for rent (2x1bed, 6x2 and 2 x3) and 5 in shared ownership (3x2 bed and 2 x3bed). They are suitably integrated into the site layout and designed to reflect the market housing.

### **Density and Housing Mix**

- 7.28 The proposed development could be seen to conflict with two policies of the adopted plan, namely BSC2 on density, BSC3 Affordable Housing and BSC4 housing mix. Taking them together but sequentially.
- 7.29 Policy BSC2 requires re-use of previously developed land with which this proposal clearly complies. But it expects development to be at a density of 30 dwellings per hectare unless there are justifiable reasons for a lower density. Taking the site area as a whole the density is below 30 at about 26 dwellings per hectare. Part of the statistical reason for this is it reflects the density of the approved scheme designed before the CLP was adopted, the site includes a disproportionate amount of highway within the red line application site, to retain trees areas of open space have been created and the design is at a linking density to those sites being developed adjacent and with a higher density. Furthermore, the site is within a conservation area and special attention has to be paid to “the desirability of new development making a positive contribution to local character and distinctiveness.” (NPPF-para 131) In this case the character of the area is set by the low density, high quality housing of Wellington Road. The proposed development is therefore reflecting that character and by not building, in this location, at a higher density avoiding harm. It is therefore, in this case, compliant with the NPPF and the design and conservation policies of the Council
- 7.30 Policy BSC4 sets out the suggested mix of homes based on requirements of the Strategic Market Housing Assessment for Oxfordshire (SHMA 2014). Again, this site is one more phase of development of a much bigger development site. The Council are securing a much greater proportion of smaller units elsewhere on Heyford. Indeed, the adjacent housing sites supply a greater percentage of 2 or 3 bedroomed dwellings so overall there is an acceptable balance and mix in the wider but surrounding area.

### **Landscape Impact**

- 7.31 The landscape setting is an important part of the character of Heyford. The new road is lined with verges and mature trees are shown retained within and supplemented by additional planting. This character is extended into the new streets by tree planting in strategic positions. Areas of open space are created both to enhance the visual environment and in addition for use as a LAP.
- 7.32 The applicant has set up a management company responsible for maintenance of the landscaping at Heyford Park. This keeps control of some of the hedging and trees in the public domain. It is concluded that what is provided is therefore an environmental enhancement in compliance with Policy Villages 5.

### **Traffic, Access and Parking**

- 7.33 The access to Camp Road is via the new highway network. It closely follows the hierarchy set out in the Design Code. As a result, even though it is a short distance from Camp Road it will benefit from being adjacent to that primary route for the internal bus service. The distance from the proposed village centre school and other services is reasonably close and therefore this part of the development site is an accessible and sustainable one as required by Policy Villages 5.

7.34 The layout and level of parking has been revised. Provision now reflects the standard set out in the Design Code. The larger houses have double garages and 2 parking spaces. Visitor parking is available on street

7.35 The Highway Authority have no objection to the layout, density of development and quantity of parking

### **Ecology**

7.36 The NPPF – Conserving and Enhancing the Natural Environment, requires at paragraph 109, that, 'the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures.

7.37 Section 40 of the Natural Environment and Communities Act 2006 (NERC 2006) states that every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity and: 'local Planning Authorities must also have regard to the requirements of the EC Habitats Directive when determining an application where European Protected Species are affected, as prescribed in Regulation 9(5) of the Conservation Regulations 2010, which states that a 'competent authority' in exercising their functions, must have regard to the requirement of the Habitats Directive within the whole territory of the Member States to prohibit the deterioration or destruction of their breeding sites or resting places'.

7.38 Under Regulation 41 of the conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of the Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict derogation tests are met:-

1. is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature (development)
2. there is a satisfactory alternative
3. is there adequate mitigation being provided to maintain the favourable conservation status of the population of the species

7.39 Therefore where planning permission is required and protected species are likely to be found present at the site, or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that Local Planning Authorities must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions and also the derogation requirements might be met.

7.40 The application is accompanied by a bat survey. No roosting bats were found in the latest survey. If permission was granted further survey work would be required and a licence if bats have taken roost since the survey was undertaken. The Council's ecologist accepts the report's findings and welcomes a mitigation package that would see provision of bird and bat boxes through the site.

### **Flooding and Drainage**

7.41 The site lies within Flood Zone 1 (low risk). A Flood risk assessment has nevertheless been undertaken by the applicants. As the site is in Zone 1 redevelopment of the site for residential development is not precluded. Surface water discharge from the site can be discharged to a new drainage system that can be suds compliant. OCC, the local flood risk authority, will need to see the results of any site soil infiltration investigations and the method of surface water drainage being utilised as a result of further investigations which would need to be conditioned. A separate foul drainage system is proposed Neither the Environment Agency nor TWU have any in principle objections. The EA suggests a condition is imposed on contamination.

#### **Planning Obligations:**

7.42 The applicant has submitted a document during the processing of the application recognising that this is a qualifying application for the existing legal agreement that covers the Heyford Park development and that the obligations they have under that will be met. But in for clarity and transparency they will:

- Provide 13 affordable units of accommodation
- Contribute to a refuse bin strategy
- Provide a LAP
- Contribute to the County Council's requirements that are already secured towards transport, library, health, Museum and waste management.

#### **Engagement**

7.43 With regard to the duty set out in paragraphs 186 and 187 of the Framework, problems or issues that have arisen during the application have been largely resolved. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application and the pre-application engagement that preceded it. It does need to be recorded that the applicant has followed our normal procedures and protocols and engaged in pre-application discussions.

### **8. Conclusion**

8.1 Whilst the change in direction of the latest masterplan and a return to the appeal scheme with removal of Buildings 485 and 488 is regrettable, it is considered on balance that what is now proposed will form an area of a distinct character reflecting the design and density of the surrounding development. It will enhance the setting of the village green. The houses have a variety of designs reflecting the arts and crafts and military style seen elsewhere and reflecting the character of Heyford. Taken together they form an appropriate form of development. They provide a decent standard of amenity inside and outside the property. It is recommended that planning permission is granted.

### **9. Recommendation**

#### **Approval, subject to:**

- a) The applicant entering into a legal agreement linking this permission to the existing obligations secured in the agreement accompanying permission 10/01642/OUT
- b) The following conditions:

1 Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following documents: Application forms , Planning, Heritage and Design Statement, Aboricultural Impact assessment and Protection Plan, Construction Specification, Bat Survey and Flooding Risk and Drainage Assessment, and drawings numbered:

Location Plan 0521 PH6 101  
External Works Layout 0521 PH6 104-Rev H  
Planning Layout 0521 PH6 102 Rev H  
Adoption Plan 0521 PH6 107 Rev G  
Tracking Layout 1 of 2 0521 PH6 105 Rev G  
Materials Layout 0521 PH6 108 Rev G  
Refuse Plan 0521 PH6 111 Ref G  
Detailed Planting Proposals 1 of 2 1619 A2 01 I  
Detailed Planting Proposals 2 of 2 1619 A2 02 I  
Housetype booklet 0521 PH6 HTB Issue 6

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 Government guidance contained within the National Planning Policy Framework.

2 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.

3 None of the buildings which are the subject of this consent shall be demolished until a contract has been let for the redevelopment of the site in accordance with the granting of a planning permission for such redevelopment.

Reason - To ensure that the demolition of the building is not unrelated to a replacement development in order to safeguard the historic character and visual amenities of the locality and to comply with Government guidance contained within the National Planning Policy Framework.

4 Prior to any demolition on the site, the commencement of the development and any archaeological investigation, a professional archaeological organisation/building recorder acceptable to the Local Planning Authority shall carry out a full recording of the building concerned and submit the completed record to the Local Planning Authority.

Reason - To secure the proper recording of the building which is of archaeological or historic importance, to comply with Government guidance contained within the National Planning Policy Framework.

5 No materials other than those as shown on plan No. 0521 PH6 108 Rev G are to be used in the new development. There shall be no variation of these materials without the prior written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 6 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, 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. Any trees, herbaceous planting 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 current/next planting season with others of similar size and species.

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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 7 All agreed service trenches, pipe runs, drains or any other excavation to be constructed within the agreed Root Protection Area (RPA) of the tree/trees on the site shall be undertaken in accordance with National Joint Utility Group 'Guidelines for the Planning, Installation and Maintenance of Utility apparatus in Proximity to Trees - Volume 4 and all subsequent revisions and amendments thereof.

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

- 8 Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all purpose built tree pits and associated above ground features, to include specifications for the installation of below ground, load-bearing 'cell structured' root trenches, root barriers, irrigation systems and a stated volume of a suitable growing medium to facilitate and promote the healthy development of the proposed trees, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and specifications.

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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 9 That all enclosures along all boundaries of the site shall be as shown on the approved plans and such means of enclosure shall be erected prior to the occupation of any dwelling.

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.

- 10 That before the development is first occupied, the parking, garaging and manoeuvring areas shall be provided in accordance with the plans 0521 PH4 5B 104-1 and 2 hereby approved and shall be constructed, laid out, surfaced, drained and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter

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

in the National Planning Policy Framework.

- 11 Prior to the first occupation of any of the dwellings hereby approved, all of the estate roads, footpaths (except for the final surfacing thereof) and parking shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments.

Reason: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

- 12 Prior to first occupation of any dwelling hereby approved, a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

- 13 Prior to the commencement of the development hereby approved, and notwithstanding the application details, full details of refuse, fire tender and pantechnicon turning within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

- 14 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) OCT 2010 Waterman and update in March 2016 Woods Hardwick (Ref: 16871 REV 2) by and the following mitigation measures detailed within the FRA:

- o Limiting the surface water run-off generated by the 1 in 100 year + 30% allowance for Climate Change critical storm so that it will not exceed the run-off over the existing situation and not increase the risk of flooding off-site.

- o Underground Storage tanks and oversized pipes. (As shown on drawing HEYF- 5-936C and para 6.3.1 of FRA update)

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason - To protect the development and its occupants from the increased risk of flooding and in order to comply with Government guidance contained within the National Planning Policy Framework.

- 15 Prior to commencement of the development the Applicant shall submit to the Local Planning Authority a SUDS Maintenance and Management Plan for the development. This will include:

- o A maintenance schedule, A site plan showing location of SUDS features and details, Maintenance areas, and Outfalls. Responsibility for the management and maintenance of each element of the SUDS scheme will be detailed within the Management Plan and a health and safety plan where risks are involved in the maintenance activity will be required.

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 16 Prior to commencement of the development the Applicant shall submit to the Local Planning Authority a revised Flood Route and Storage Plan for exceedance flows at the site:
- o To update the existing drawing 'Surface Water Drainage Overview - Residual Flooding' Drawing Number HEYF /5/148C to reflect any revised microsimulation modelling results, as built constructed site changes, and changes to exceedance storage areas.

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 17 Prior to the commencement of the development hereby approved, full details of the fire hydrants to be provided or enhanced on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the fire hydrants shall be provided or enhanced in accordance with the approved details and retained as such thereafter.

Reason - To ensure sufficient access to water in the event of fire in accordance with Government guidance contained within the National Planning Policy Framework.

- 18 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

- 19 Prior to the first occupation of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

## **PLANNING NOTES**

- 1 The Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. Alternatively the developer may wish to consider adoption of the estate road under Section 38 of the Highways Act.

- 2 Prior to commencement of development, a separate consent must be obtained from OCC Road Agreements Team for any highway works under S278 of the Highway Act. Contact: 01865 815700; RoadAgreements@oxfordshire.gov.uk.
- 3 Fire and Rescue Service recommends that new dwellings should be constructed with sprinkler systems
- 4 Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 5 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. Since submission the details have been revised several times as part of a positive engagement between applicant and Local Planning Authority. Layouts have been modified to reflect character, comply with the design code and to create space for more trees and to create an opportunity for more street planting on the main tertiary road. The layout and design closely follows the Design Codes and advice has been given on the plans and house types following formal written pre application advice. On the back of these comments the design has evolved and a number of changes have been made.

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