

**Land South Of Building 296/297  
Heyford Park  
Camp Road  
Upper Heyford**

**17/01680/F**

**Applicant:** Upper Heyford LP

**Proposal:** Early years day care nursery and new footpath access with associated works (10 year period)

**Ward:** Fringford And Heyfords

**Councillors:** Cllr Ian Corkin  
Cllr James Macnamara  
Cllr Barry Wood

**Reason for Referral:** Departure from Policy Villages 5 (CLP 2031 Part 1)

**Expiry Date:** 5 October 2017      **Committee Date:** 26 October 2017

**Recommendation:** Approve subject to conditions and overcoming the outstanding objection from the Local Highways Authority.

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## **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is located to the far west of the former RAF Upper Heyford air base, approximately 65m north of Camp Road and approximately 15m east of Portway, a public bridleway and historic footpath route.
- 1.2. The application site is within the designated RAF Upper Heyford Conservation Area and is approximately 65m west of a designated Scheduled Monument, the avionics maintenance facility and approximately 125m south of a group of hardened aircraft shelters, buildings 3048-3051, all listed of local interest. .
- 1.3. The application site is within a rough grassed area bounded by a security fence to the south and west and a dog training club and kennels to the north. Within the site there is a disused compound enclosed by a timber fence.
- 1.4. The application site is accessed via the Gate 7 entrance off Camp Road. There is currently no dedicated pedestrian access into the site.

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. Planning permission is being sought for a period of 10 years for the erection of an early years day care nursery with associated car park, play space, vehicle and pedestrian access, septic tank and septic tank drainage field.
- 2.2. The nursery building itself takes the form of a pre-fabricated building with a gross external area of 252m<sup>2</sup>. The building would be clad using cedar cladding with anthracite coloured doors and windows. Two areas of artificial grass would be

provided to the east and west of the building for outdoor play. These would be enclosed by boundary fences of 1.5 to 1.8m in height.

- 2.3. The nursery would be served by a car park with provision for up to 16 visitor and staff parking spaces.
- 2.4. In addition to the existing vehicular access, a pedestrian access would be created, linking the nursery to Camp Road. A pedestrian crossing is also proposed on Camp Road, enabling pedestrians to access the site from the existing main footpath that runs along the south side of Camp Road.
- 2.5. During the course of the application additional plans were submitted which included the provision of an underground septic tank and infiltration field. These would be located to the south east of the nursery building and would not be visible once installed. Upon receipt of these plans, the application was re-advertised.

### **3. RELEVANT PLANNING HISTORY**

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).	Granted on appeal (January 2010)
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

### **4. PRE-APPLICATION DISCUSSIONS**

- 4.1. Informal pre-application discussions have taken place with regard to this proposal.

### **5. RESPONSE TO PUBLICITY**

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. Following the first round of consultation, a further round of consultation was undertaken following amendments to the proposal. The final date for comments was 11 October 2017, although comments received after this date and before finalising this report have also been taken into account.

- 5.2. Two sets of comments from the same third party are summarised as follows:

- This development is not in accordance with and should be considered to be a departure from the Local Plan being proposed in the absence of the comprehensive integrated approach required by policy Villages 5 (and should be advertised as such). It would be premature to permit this building and use without a proper understanding of how the whole (heritage) site will be developed and used.

- In the terms used by Pegasus, this application would further dilute the heritage. The Heritage Statement explains the proximity of the nursery to the Avionics Building a scheduled monument but does not describe the incongruity of having a children's nursery so close to this iconic Cold War building. The heritage impact statement required by Villages 5 must cover the whole site. The building and the use would be incongruous elements in the Cold War landscape and would not preserve or enhance the character or appearance of the Conservation Area.
- The site to the north of Camp Road and 450m from a bus stop is unsuitable for the proposed use that should be better related to both the public transport system (for children, carers and staff) and to the residential development now and not in ten years' time. The Design and Access statement refers to the desirability of a high degree of integration while this proposal represents the direct opposite.
- The application should be refused as being in an unsuitable and unsustainable location that conflicts with the setting of a Scheduled Monument. It is also premature pending the preparation and approval of a master plan and heritage impact study as required by Local Plan policy Villages 5.

## 6. RESPONSE TO CONSULTATION

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. Upper Heyford Parish Council: Upper Heyford Parish Council supports this application as a much needed amenity for the rapidly expanding residential development. Siting of a permanent facility must be included in the master plan being developed for the site.

### STATUTORY CONSULTEES

- 6.3. Historic England: On the basis of the information provided, Historic England do not wish to offer any comments.
- 6.4. Local Highways Authority (Oxfordshire County Council): The transport statement submitted with the application demonstrates that the traffic impact of the proposal will be acceptable and that the parking provision and swept path analysis submitted with the application is acceptable. The drainage proposals submitted with the application are acceptable. However, the Local Highways Authority objects to the proposal on the ground that the proposed pedestrian crossing requires additional traffic calming in order to reduce the speed of vehicles using Camp Road and a speed survey is required in order to design a suitable scheme.
- 6.5. Local Education Authority (Oxfordshire County Council): The County Council supports this application. It is required to meet statutory duties. There is a need to replace the early years and childcare provision that recently closed, in order to facilitate the development of Heyford Park, so that the existing families in the area continue to have access to provision. There is also a need to increase provision to meet the needs of additional families that will live in Heyford Park, as the result of the significant housing development planned for the area.

## NON-STATUTORY CONSULTEES

- 6.6. Planning Archaeologist (Oxfordshire County Council): The proposals as outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.
- 6.7. Design and Conservation Officer: The proposed development lies within the RAF Upper Heyford Conservation Area in Character Area 8B 'South west edge Avionics and HASS' *'The close group of hangars and the imposing presence and distinct form of the Avionics Maintenance Facility characterise this area which is well linked to Area 1 by its open character'*. The specific site of the proposed nursery lies just outside the core part of this area, but would impact on the setting of it. The site is also at the gateway to the Upper Heyford RAF base and would be highly visible from Camp Road.

The site does not appear to have had a specific function historically, but contributes to the general character and setting of the airbase. The site also lies in close proximity to the Avionics Building – a scheduled ancient monument. It is understood that there is limited inter-visibility between the two sites, but the proposed development will impact on the wider setting of the monument.

There would be significant concerns with the principle of permanent development in this location. It is noted that the permission is temporary; but that the period of time is 10 years and that the form of construction is similar to a permanent structure. There are also concerns that a permanent location has not yet been identified for the nursery and there is potential for this to become a permanent site. Consideration should be given to converting or locating a temporary nursery building within one of the many structures around the Heyford site.

Notwithstanding the concern with the principle of development in this area there are additional concerns regarding the design. The airfield has a significant number of utilitarian buildings, and a temporary structure could easily be designed to fit in with this aesthetic. It is the proposed material of cedar cladding that is considered to be a problem. There are also concerns with the provision of a 1.8m high close boarded fence in this location. It is appreciated that a boundary of some kind is required, but greater consideration would need to be given to the design to integrate it better in to the surrounding area.

## **7. RELEVANT PLANNING POLICY AND GUIDANCE**

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. 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. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

### CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PSD1 - Presumption in favour of Sustainable Development
- ESD15 - The Character of the Built and Historic Environment
- Villages 5 - Former RAF Upper Heyford

- BSC7 - Meeting Education Needs
- SLE1 - Employment Development

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development

#### 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Mid-Cherwell Neighbourhood Plan
- RAF Upper Heyford Conservation Appraisal (2006)

### **8. APPRAISAL**

#### 8.1. The key issues for consideration in this case are:

- Principle of development
- Access and parking
- Drainage
- Design and heritage

#### Principle of development

- 8.2. The principle of development is guided by Policy Villages 5 (CLP 2031 Part 1) which relates to the redevelopment of Heyford Park. The application site is included within the land identified on the Policy Villages 5 inset map however it is not located within an area identified as having potential for future development. The site is also located outside of the site granted permission under planning application reference 10/01642/OUT for a new settlement.
- 8.3. Policy Villages 5 supports the provision of infrastructure required to serve the new development including a nursery (a D1 use). It also supports the creation of employment opportunities. However, employment opportunities and development arising from existing permissions (including application reference 10/01642/OUT) and those outside of use classes B1, B2 and B8 should be accommodated primarily within existing buildings within the overall site where appropriate, or on limited green field land to the south of Camp Road. The applicant was requested to undertake further research to identify suitable alternative locations for the proposed use on land or in buildings within the existing settlement but the applicant has not provided any suitable alternative locations. It should however be noted that part of the rationale for the proposed location is that it is a suitable distance from the construction work currently taking place in the centre of Heyford Park, which due to safety and noise reasons would be an unsuitable location for a nursery development until completed.
- 8.4. The proposal is therefore considered not to fully accord with Policy Villages 5. It is however expected that the nursery would be located to a new site closer to the centre of Heyford Park in the future and work to identify this location is currently underway as part of a forthcoming masterplan application. On this basis, given the intention to provide an alternative site in the near future, it may be possible for a temporary consent to be considered.
- 8.5. In addition to Policy Villages 5, the proposal also needs to be considered against Policy BSC7 (CLP 2031 Part 1). This Policy relates to educational need and states

that the Council will work with partners to ensure the provision of pre-schools and those new school buildings should be located in sustainable locations and promotes the co-location of other services and facilities with schools to create community hubs. The proposal would enable the Council to meet the requirement for educational need and is supported by the Local Education Authority. The location of the nursery is not considered sustainable as a permanent solution and the long term ambition, as previously discussed, would be for the nursery to be located within the village centre as part of a community hub or in one of the school bases.

- 8.6. The applicant has stated that planning permission would be required for a temporary period of 10 years. This period of time is considered significant for what is intended to be a temporary building, especially given the proposed location, however evidence has been provided to demonstrate that a period of at least 8 years is required in order to enable the applicant and occupier to recoup their investment. The period of 10 years has therefore been proposed to provide some flexibility should uptake rates be lower than initially expected. This justification for this time period is considered acceptable however it should not be assumed that this permission will be renewed or that a permanent building would be permitted in this location. A time limit condition will also be required to ensure that the building and any associated infrastructure are removed, if permission is granted, once the consent has lapsed.
- 8.7. Although the proposal does not fully accord with Policies Villages 5 and BSC7, it does go some way towards achieving these policy ambitions and in the knowledge that it is the developer's intention that the nursery will be relocated to a more central location in the future, it is considered, on balance, that the granting of a temporary consent, not exceeding 10 years, for a nursery in this location makes the development acceptable in principle.

#### Access and Parking

- 8.8. The proposed nursery would be located in an accessible location for vehicles and a pathway connection would be created to link the development with the wider foot and cycle path network. Cycle parking has been proposed adjacent to the nursery building however further details are required and these will be sought by condition. The Local Highways Authority has stated that the traffic impact of the proposal and parking provision is acceptable. However it is apparent that additional work is required to ensure the creation of a safe crossing on Camp Road for cyclists and pedestrians. Subject to the satisfactory completion of this work, the proposal is considered acceptable in terms of access and parking. It should be noted however that the Local Highways Authority will not consider withdrawing its objection until full details of the crossing have been agreed.

#### Drainage

- 8.9. The proposed surface water and waste water drainage arrangements are considered acceptable and adequate provision has been made for the maintenance and pumping out of the septic tank which is expected to take place once a year. The infiltration area is relatively large however this will not be visible once installed. It is however important that any drainage infrastructure installed is removed and the land restored to its former conditions following the lapse of the following the lapse of any planning consent.

#### Design and Heritage

- 8.10. The proposed nursery is not considered to have a direct and significant impact on the identified locally listed buildings or scheduled monument but is considered to

affect their setting and the setting of the designated Conservation Area. Provided that the nursery is removed following the expiration of any planning permission, the long term (10+ years) impact of the proposal on the setting of heritage assets will be negligible. The short to medium term impact (0-10 years) can be managed to an extent however through considered design.

- 8.11. The Design and Conservation Officer has raised concerns with regards to the cedar cladding and fencing proposed. There is therefore a risk that the building will appear out of place considering its context and the architectural style of nearby buildings but providing the cladding can be finished in an appropriate colour and the fencing is open in nature as opposed to the close boarded fence currently proposed. Subject to conditions relating to the time period, materials and boundary treatments, the short term impact of the proposal on the setting of designated heritage assets and the character and appearance of the locality is considered acceptable. Subject to securing these changes by condition the proposal is therefore considered to comply with Policy ESD15 (CLP 2031 Part 1) and Policy C28 (CLP 1996).

## **9. PLANNING BALANCE AND CONCLUSION**

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. The proposed development would not be acceptable in the long term due to its location, harm to the setting of heritage assets and conflict with the requirements of Policy Villages 5 and BSC7. However, the proposal does provide a number of social and economic benefits and is considered to represent a sustainable form of development in the short to medium term. It is therefore considered that, on balance, subject to a limited term of 10 years, the conditions outlined below and the resolution of the outstanding Local Highway Authority objection, planning permission should be granted.

## **10. RECOMMENDATION**

Resolve to grant planning subject to:

- a) Delegation to the Development Services Manager to resolve the outstanding Local Highway Authority objection
- b) The following conditions with delegation provided to the Development Services Manager to negotiate final amendments to the wording of conditions:

- 1 The development to which this permission relates shall be begun not later than the expiration of one year beginning with the date of this permission.

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

- 2 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application Forms, Planning, Design and Access Statement dated August 2017 (Rev. D.0371), Flood Risk Assessment dated August 2017 (Ref. 16871/B4), Transport Statement dated August 2017 (Ref. 41744/5501) and Drawings Numbered: HEYF-5-781 Rev. A, HEYF-5-780 Rev. A, P16-0631\_28 Rev G, P16-0631\_31 Sheet 2, P16-0631\_31 Sheet 1 and P16-0631\_29 Rev. F.

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.

- 3 At the expiration of 10 years from the date hereof or within 6 months following the completion and occupation of an alternative, permanent, nurse building at Heyford Park (whichever is the sooner), the building and any associated development shall be removed from the site and the land shall be restored to its former condition on or before that date.

Reason - The building, because of its design and siting, is not suitable for permanent retention and to comply with Policy Villages 5, Policy SLE7 and Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 4 The building hereby approved shall be used only for the purpose of a nursery and for no other purpose whatsoever, including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005.

Reason - In order to maintain the character of the area in accordance with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 5 Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, a revised schedule of the materials and finishes for the external walls and roof of the development 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 materials.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 6 Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, a revised boundary treatment plan 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 boundary treatment plan.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 7 The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (October, 2010. Waterman. Ref: C11234 ES 001) and the Flood Risk Assessment Compliance Report for Camp Road, Upper Heyford Nursery Site (August, 2017. Woods Hardwick. Ref: 16871/B4) and the following mitigation measures detailed within the FRA and associated FRA Compliance Report:



- Limiting the surface water run-off generated by the 1 in 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.(Paragraph 3.2 of the FRA).
- Attenuation by use of trench soak-away (Paragraph 6.3.1 of the FRA Compliance Report) and as shown on Proposed Engineering layout drawing ( 2017 / HEYF-5-781 / Woods Hardwick).
- Attenuation and water quality improvement by use of Permeable Paving (Paragraph 3.11 and 4.6 of the FRA; and Paragraph 6.3.6 of the FRA Compliance Report).
- Provision of a SuDS Management and Maintenance Plan to the proposed maintenance company for the development - (Paragraph 7.4.3 of the FRA Compliance Report).

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.

- 8 Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained 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.

- 9 The vision splays shall not be obstructed by any object, structure, planting or other material of a height exceeding 0.6m measured from the carriageway level.

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

- 10 Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details 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 guidance contained within the National Planning Policy Framework.

- 11 Prior to the commencement of the development hereby approved, a plan showing a car parking provision for 16 spaces to be accommodated within the site to include layout, surface details, and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking spaces shall be laid out, surfaced, drained and completed in accordance with the approved details and shall be retained for the parking of vehicles at all times thereafter.

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.

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

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 13 If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

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