

Restore
3135 Heyford Park
Camp Road
Upper Heyford
Bicester
OX25 5HF

16/02348/F

Applicant: Upper Heyford LP

Proposal: RETROSPECTIVE - Use of Building 3135 for Storage Purposes (B8 Use)

Ward: Fringford and Heyfords

Councillors: Cllr J J Macnamara
Cllr B Wood
Cllr I Corkin

Reason for Referral: Major

Expiry Date: 17 January 2018 **Committee Date:** 15th March 2018

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. Building 3135 is identified on the appended site plan and with its curtilage measures approximately 0.32 hectares in size, the Heyford base being approximately 505 hectares in total. It has a floor area of some 3,189 square metres making it possibly the largest building on the flying field
- 1.2. In terms of the uses on site, the military use ceased in 1994. Since then the site has accommodated a number of uses in existing buildings, first under temporary planning permissions latterly under a permanent permission granted on appeal and subsequent applications. For the last nine years the site has been owned by the Dorchester Group. In that period the base has accommodated approximately 1,000 jobs and homes for around 750 residents.
- 1.3. 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. The main flying field is characterised by the open, plateau-top landscape dominated by meadow grassland and hard surfaces and punctuated by the airfield buildings. The 'raison d'être' of the airbase is defined by the runways constructed in the 1940s. The 'top-of-the-world' openness of this section of the flying field imbues the observer with a sense of isolation.

- 1.4. This application is within the Northern Edge character area, specifically the North Western Fringe, of the Flying Field as defined within the Conservation appraisal. In the appraisal, the character of the Area is described as: “5D Northwest Fringe. This area is similar to 5C but is narrower and more sharply– defined. It is more closely linked with the landscape beyond the site than the landscape within it. At the south end, the boundary between this area and 5B runs between the buildings of the 55th Squadron, illustrating the difference between functional and visual groupings.” The Northern Edge of the flying field is part of the Landscape of Flexible Response but the trees at the edge and the intermittent views across the landscape outside the base become more significant towards the north.
- 1.5. Building 3135 is a large utilitarian structure built about 1986 and having the appearance of a large industrial shed. It has a plinth of concrete blocks with dark brown metal cladding metal cladding above under a shallow pitched roof. There are some ancillary structures to it on the flying field side that service the building such as oil tanks. Considering it is over 30 years old it is in extremely good physical condition.
- 1.6. It is located close to the western edge of the airfield separated from the boundary of the site by the main circulatory road and a grass verge. There is a large area of hard standing in front of the building for parking. It has a number of significant trees around the parking area. There are also trees and intermittent hedging along the boundary. Nearby is a gate that still provides access from Mudginwell Lane for the local farmer who’s animals graze on the airfield and who uses some of the Hardened Aircraft Shelters (HAS) on site for storage.
- 1.7. The history associated with Building 3135 is limited. It is believed to have been used as a building storing “war readiness” spares for all the planes onsite and the inner secure area within it would have housed high value spares for, amongst others, the 66th Electronic Combat Wing who flew the EF-111A’s on the Libya raid in 1986. Since the vacation of the airfield it has had a series of intermittent short term temporary storage uses. The planning history is outlined in more detail below but although the Secretary of State granted planning permission for a new settlement and other development at RAF Upper Heyford, this part of the flying field was designated a Cold War Park (CWP). The intention was to demolish 3135, for which consent was granted, and leave 4 nearby HASs monumentalised as they stand.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The building effectively has a nil use, its last lawful use being military storage. So this permission seeks both to retain the building and obtain permission for the storage use. Planning permission was previously granted for the same use in 2013 but the conditions imposed by the Council not discharged hence the fresh application. This application does include the information previously conditioned such as travel plan, bin store provision and landscaping. The building required internal fitting out, which was undertaken, but externally no changes were/are proposed.
- 2.2. The applicant is the owner and developer of RAF Upper Heyford but the Company on whose behalf they are applying, Restore, have operated from Heyford for over 20 years (previously as Datacare). They currently occupy the building
- 2.3. Access to the site will be via the existing entrance and circulatory road. Parking is available for at least 20 cars and 2 larger vehicles within the curtilage of the building. The development would create 4 new jobs.

- 2.4. When the proposal was first considered in 2013 members may recall being addressed by Restore's MD who advised they had acquired another company the records of which need to be relocated from London. They had chosen to consolidate their base at Heyford although they apparently had other options which if they had chosen would have been likely to lead to the withdrawal of their business from Heyford and Oxfordshire.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
96/00019/F	Change of use to storage of exhibition equipment including trailers, exhibition vehicles, ancillary offices and coach building.	Application Permitted
05/01341/F	Change of use to storage and office	Application Permitted
06/02149/F	Change of use to storage and office (Renewal of permission)	Application Permitted
07/02343/CAC	Demolition of existing structure as part of lasting arrangement of Heyford Park	Application Permitted
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).	Allowed 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
10/01619/CAC	Demolition of existing structures (as per Conservation Area Consent Schedule and Drawing No. D.0291 38-1)	PER

4. PRE-APPLICATION DISCUSSIONS

- 4.1. No pre-application discussions have taken place with regard to this current 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. The final date for comments was 05.01.2017, although comments received after this date and before finalising this report have also been taken into account.

The comments raised by third parties are summarised as follows

Daniel Scharf, Abingdon has written a single letter in response to a number of current applications at Heyford. The main points are:

- The determination of all these applications (and any others yet to be determined; 16/2296/H, 16/02348/F and 15/1209/REM?) depends, in the first instance, as to whether the proposals accord with the development plan. In this case the principal policy for the purposes of applying s38(6) is policy V5 in the adopted Cherwell Local Plan.
- The Head of Development Management says (email 20 January 2017), "In terms of the Lasting Arrangement, Policy Villages 5 of the adopted Local Plan is now the starting point for the considering of future development proposals. Policy Village 5 identifies that the redevelopment of the site forms a comprehensive integrated approach to development. The Council will need to be satisfied that future development proposals comply with Policy Villages 5. Clearly, this is a matter you may also wish to raise as part of your future representations." Clearly a master plan, development brief or development framework is required to secure a comprehensive integrated approach.
- Deciding applications in accordance with this requirement of policy V5 is being made impossible while the Council remains intent on taking a piecemeal approach to the development of the site. Although the legislation allows for 'other material considerations' to override development plan policy, there is a clear intention within both law and policy to operate a 'plan led system'. The concern of the Secretary of State about the lack of adopted development plans across the country would not sit very comfortably with the officers' assessment that adopted policies can be so easily overridden and without proper or any explanation. In the case of Upper Heyford the Council has consistently sought to control development through comprehensive planning briefs and latterly, the development framework, the withdrawal of which occurred with no explanation. Indeed a master plan was referred to in recent correspondence (and by an agent for a current application 15/01357/F). No explanation has ever been provided either to us or to the Council committee(s) as to why policy V5 and the requirement that, "a comprehensive integrated approach will be expected." should not continue to apply.
- The reference (Mr Lewis email of 1 March 2017) to the Council taking the comments of Historic England and Design and Conservation' into account rings hollow despite policy V5 stating that the views of "...Historic England will be required in formulating specific development proposals for the site." Having seen

minutes of meetings including Historic England and the Council's conservation officers it is clear that their views are being ignored. The Council approved the heritage centre on the officers' recommendation without the taking of expert advice as recommended by Historic England who have also confirmed that a holistic approach should be taken in the light of the international significance of the site. Whatever the officers might think about the appropriateness of World Heritage Site status, there are 3 international conventions and a Culture White Paper which should be applied to the development proposals being made on this site.

- Unpacking policy V5 it can be seen that there are any number of references and requirements which individually and/or together clearly explain the reasons why a 'comprehensive integrated approach' is necessary, and why proposals considered in the absence of a comprehensive plan could not reasonably comply with this development plan policy.
- In summary, a comprehensive integrated approach is absolutely necessary in light of the need to coordinate the following matters:-
 - Coordinating development of land in different ownerships,
 - reviewing housing densities and locations in the light of the increased allocations,
 - complying with international conventions regarding heritage and culture,
 - enabling a holistic approach to the preservation or enhancement of the character or appearance of the conservation area,
 - managing the implications for tourism on the site and in the area,
 - assessing employment potential, to which heritage and tourism could make a significant contribution,
 - assessing the location of commercial uses, including warehousing and car storage,
 - addressing the interface of the heritage site with adjoining uses/development in terms of both buildings and movement,
 - assessing transport and travel to and around the whole site,
 - managing public access across the site (ie including QRA and Northern Bomb Stores), fencing and the restoration of public rights of way,
 - protection of biodiversity across the site,
 - securing financial contributions to enable the conservation of the Cold War heritage.

It is understood that Mr Scharf has written to the Planning Casework Unit (PCU) requesting this and other applications at Heyford are "called in". As a result, if Committee agree with the Officer's recommendation the application will need to be referred to the PCU before any decision is issued.

- 5.2. The comments received can be viewed in full on the Council's website, via the online Planning Register

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: Strongly support the application and employment benefit for the community

STATUTORY CONSULTEES

- 6.3. Historic England (HE): No comment (although in discussions with them they have no objection to the building's retention).

NON-STATUTORY CONSULTEES

- 6.4. Conservation and Urban Design Officer (on the original submission):

I have no objection to the retention and reuse of building 3135.

Although this is a very large building, it was constructed during the last few years of USAAF's occupation and as such is part of the development of the site. Not all of the buildings within the conservation area are aesthetically pleasing, but this is part of their functionality. I do not believe that this building is particularly visually appealing, in the same way that a Hardened Aircraft Shelter (HAS) is not - these are impressive rather than attractive structures. The military required simple structures that were put together simply and quickly, and as such, this structure shows how their building types evolved once the requirement for hardened structures had passed. The building is barely visible from Somerton Road, and although it is highly visible from Mudginwell Lane, the side profile from this road means that its impact on the skyline is lessened. The more prominent structure from this viewpoint is the gable-on HAS to the north. As such, I do not believe its retention to be harmful to either the visual or historic elements of the conservation area. I would also question the sustainability of demolishing a viable building, particularly as its use would prevent the use of a more sensitive HAS for similar purposes. The business is well established at the site and the building would be easier to adapt for purpose than another HAS, meaning that fewer historic structures are harmed.

- 6.5. Economic Development Officer (on original submission):

3135 is within the sensitive area but on the edge, and the access to it appears to be separate. Datacare's use would appear to be sensitive and suitable for that building to be maintained in sound condition with an ability to redress the balance between employment and housing.

- 6.6. Landscape Officer (on original submission):

I have no objection to the retention and change of use as long as planning conditions are in place to ensure the retention, protection, enhancement and management of existing site boundary vegetation in order to mitigate views from Somerton Road. It is noted that the photographs were taken during the winter months when there is no leaf cover, resulting in greater visual exposure of the building in the summer months when the vegetation is in full leaf. The roof outline will still be visible from Somerton Road in the summer months, however I think that this is an acceptable consequence of its retention in the landscape. It is not for me to consider the merits of its retention (economically viability etc) against the implications of Cold War history/Conservation Area designation.

- 6.7. Oxfordshire County Council:

The Highways Officer has no objection assuming the same conditions apply as elsewhere on the flying field.

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)

- ESD15 - The Character of the Built and Historic Environment
- VIL5 - Former RAF Upper Heyford
- SLE1-Employment Development
- SLE4-Improved Transport and Connections
- PSD1 - Presumption in Favour of Sustainable Development
- BSC2 - The Effective and Efficient Use of Land
- 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 (CLP 1996)

- C28 – Layout, design and external appearance of new development
- TR7-Development attracting traffic on minor roads

- 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF) - 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)
- Mid-Cherwell Neighbourhood Plan-drafted and in pre-deposit stage

8. APPRAISAL

Planning History and Background

- 8.1. The former airbase was confirmed surplus to MOD requirements in September 1994 just before the 1996 Local Plan was adopted. It did not contain any policies specifically relating to the site. A revised Structure Plan was adopted by the County Council in 1998 and included policy H2 which sought to address the future of the site.
- 8.2. In November 2005, a Conservation Plan was produced for the flying field. The plan was jointly commissioned by CDC, HE and North Oxfordshire Consortium (NOC). The plan identified the historic importance of the site as a Cold War landscape and

the importance of individual structures on the site. The plan identified greater levels of significance for the site than HE had previously identified. A further assessment of the areas excluded from the Conservation Plan was commissioned by CDC and completed in March 2006. These studies were used to inform the decision to designate the whole site as a conservation area in April 2006

- 8.3. Over the last 10 years numerous applications have been made seeking permission to either develop the whole site or large parts of it and numerous of them have gone to appeal. The most relevant to the current application was application ref 08/00716/OUT, an outline application that proposed: “A new settlement of 1075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure (as amended by plans and information received 26.06.08).”
- 8.4. Following a major public inquiry that commenced in September 2008 the Council received the appeal decision on the above proposed development in January 2010. The appeal was allowed, subject to conditions, together with 24 conservation area consents that permit demolition of buildings on the site including Building 3135. Due to the scale of the development proposed, the appeal was referred to the Secretary of State for Communities and Local Government for determination. The decision letter from the Secretary of State (SoS) can be read in full on the Council’s web site: <http://cherweb.cherwell-dc.gov.uk/AnitePublicDocs/05757874.pdf> .
- 8.5. Although the appeal was lodged on the grounds of non-determination the Council resolved to object to the proposal on several grounds including its failure to conform to the Planning Brief for the site, that the development was unsustainable, the type of employment was inappropriate, transport measures were inadequate to cope with the development, damage to the character and appearance of the conservation area and the information submitted was inadequate or failed to justify the proposal. The reasons for refusing the conservation area consents were either the loss of buildings that contributed positively to the conservation area, that a cleared site would detract from the conservation area and/or their demolition was premature without an approved scheme for redevelopment.
- 8.6. The SoS considered there to be three main issues: the policy context for the proposal, with particular reference to the development plan and PPG15; Design Principles and PPS1; and Housing and Sustainability of location. There was also a fourth, planning conditions and obligations.
- 8.7. On policy, the SoS thought the development was in general conformity with the Oxfordshire Structure Plan policy H2 which sought to provide a community of about 1000 dwellings with schools and employment opportunities, though not the Council’s Development Brief for the site, and that it would enable environmental improvements, conserve heritage interests and provide appropriate level of employment. In terms of employment, the SoS recognised that businesses were well established and there were 500 people currently employed in car processing. Economic benefits were a “weighty material consideration” and they did not seem to outweigh the harm to the character of the conservation area. However the Inspector refers to the need to balance heritage interests against exceptional circumstances to justify overriding the presumption to preserve and enhance the conservation area. On reuse of buildings, it was considered their retention would outweigh the breach in the number of jobs limited on the site by policy H2. A large majority of the retained buildings were approved in low intensity uses such as storage.
- 8.8. In terms of 3135, this building was not seen to be of historic significance and the developer at the time, NOC, offered it up for demolition as an “environmental improvement”. Whether it was historic or not, it was in a conservation area and the

argument was rehearsed whereby all buildings should generally be kept but it was resolved this did not mean all of them. 3135 was considered to be intrusive, at least when viewed from Mudginwell Lane. On balance it was accepted that it would improve the environment if it was removed and would also benefit the character and appearance of the conservation area. Conservation area consent was granted for its demolition.

- 8.9. The SoS concluded the development would substantially accord with the development plan, meaning Structure Plan policy H2, little weight seems to have been given to the Council's development brief for the site. A sustainable and reasonable balance was secured between retaining the built and natural heritage, and providing an appropriate and proportionate level of employment in the context of the site's location and access to services. In granting the planning permission, it was therefore felt justifiable to allow the 24 conservation area consents, again subject to conditions including demolition of 3135. As part of the decision, 71 conditions were imposed on the grant of planning permission and 5 on the conservation consents. In addition to the planning conditions, the applicant is obligated to comply with covenants including a management plan for the flying field, provision of a Cold War Park and to contribute towards improvements to public transport. The grant of planning permission therefore authorised many of the uses currently being undertaken at the site and set out the template for future development
- 8.10. A considerable number of conditions were drawn up which together with legal undertakings from the applicant, mitigated the impact on heritage and provided the basis for stabilising the new community the SoS considered necessary together with achieving many of the aims of policy H2. It is important to note that when the conservation area consent was granted for demolition of 3135 there was no condition or legal obligation imposed to require its demolition.
- 8.11. 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 and the development of former RAF Upper Heyford is seen as an mechanism for securing a lasting arrangement. 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 reinforcing its strategic development role.
- 8.12. Notwithstanding the in principle decision taken by the Council 10 years ago to seek its removal, and the concurrence of the previous developer followed by the decision of the Secretary of State to agree its demolition, it is considered that there have been a change in circumstances particularly in adoption of the CLP in 2015, in national planning guidance, in consideration of the setting of the building, the assessment of the heritage value of the airfield and, more particularly, arising from the change of economic circumstances and the weight to give to them.
- 8.13. The application therefore raises a number of issues but the main ones are considered to be:
- The Principle of Development and Compliance with the Development Plan
 - Economic Benefit
 - Visual Impact
 - Heritage and Impact on the Conservation Area
 - Transport, Access and Highways
 - Changes in Circumstances since the Appeal Decision

The Principle of Development and Compliance with the Development Plan

- 8.14. 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.
- 8.15. 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.
- 8.16. Policy Villages 5 of the CLP identifies the former military base as a strategic site in the rural area for a new settlement and the land subject of this application is identified within that policy. The policy expects approximately 120,000 square metres of land and 1500 jobs to be created for employment use. 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. Policy SLE 1 says employment development will be supported in rural areas subject to compliance with other policies. Policy PSD 1 says the Council will be proactive reflecting the NPPF approach to sustainable development and approve development wherever possible to secure economic improvement.
- 8.17. The plans and supporting documentation demonstrate its conformity with the development plan. The significant elements are:
- Development of a brownfield site
 - The environmental improvement of the locality
 - Conservation of heritage resources
 - Integration and connectivity to the surrounding development
 - Minimal impact of traffic on the surrounding highway network
 - Travel Plan to accompany the application
 - Preservation of the stark functional character and appearance of the flying field.
 - Low key reuse of existing buildings
 - Provision of a range of employment opportunities

The main issues will be discussed in more detail below but in principle the application is seen to conform to Policy Villages 5 and to the principles of development set by the 2010 appeal decision.

Economic Benefit

- 8.18. Policy Villages 5 accepts that employment is required if the settlement at Heyford is to be a sustainable one. At the appeal the Council argued it was preferred to be in the settlement area and science based/high tech. The recommended type and location of was not fully accepted by the SoS who permitted a significant number of buildings across the flying field to become commercial in use particularly for storage. The Council also sought to deal with existing businesses at Heyford in a sympathetic manner.
- 8.19. According to the NPPF, planning should encourage economic growth and not act as an impediment to it and significant weight should be given to proposals for economic growth. This is taken even further where support in the rural economy should be given to growth and expansion of all types of businesses and enterprises both through conversion and new buildings.
- 8.20. The occupier of 3135 is an existing operator at Heyford Park so there is a synergy to what is proposed. It is also a form of storage that involves documents where once they have arrived will not be subject to further transshipment, rather, if copies are required elsewhere they are sent electronically. The use therefore generates little vehicular traffic so would not adversely impact on the local highway network. The building itself is ideally suited to storage and is of the size required for the applicant company. The appeal decision itself should be considered material and significant in so far as it allowed, although not specifically for 3135, commercial uses on to the flying field in a balancing act between employment creation and heritage protection. It therefore seems that there are positive elements to the proposal to make use of an existing building for which the use was originally intended.

Visual Impact

- 8.21. In 2007 the Council produced a Comprehensive Planning Brief (RCPB) for the site which set out a number of issues relevant to this application. The focus of the document was very much on heritage, the environment and reducing the base's visual impact. Landscape assessments were done and Building 3135 was considered to be possibly the most prominent structure viewed from the north after the various masts and towers, and some of the HAS's, although in places it was described as only being seen on "a clear day". Such locations included the Dying Gladiator at Rousham, North Aston and other places along the Cherwell Valley. The RCPB actually proposed demolition of not just 3135 but also HASs that were later considered at the Inquiry by the Planning Inspector and the Secretary of State to be acceptable for retention as part of the Cold War Park, albeit with 3135 still demolished.
- 8.22. Having revisited many of the viewing points, whilst it can be seen from the far side of the Cherwell Valley, it is felt its actual visual impact in longer views is limited for a number of reasons: because it is side on to views from the west, its colour reduces its impact, the retained HAS's are of equal prominence and distract the eye, as to other buildings on the valley side such as Mudginwell Farm, the view across the valley is also broken in places by trees and hedgerows both on the boundary and outside of the application site.
- 8.23. In closer views from along Somerton Road and Mudginwell Lane there is no doubt at one or two locations the building is clearly visible and will be more so to walkers

and others who use the proposed trail around the former base. But in terms of its overall effect the advice of the Council's landscape officer is the visual impact is limited. The fact the building can be seen does not make its existence unacceptable, particularly bearing in mind it has been in situ for some 30 years. It will be seen by most people as another link to the former military use that took place here. Furthermore, it seems that much vegetation has grown in the locale in the last few years and there is still an opportunity for limited further mitigation through landscaping, the applicants have in fact submitted a planting scheme. So, if Committee accept the officer's recommendation, it is subject to a condition requiring further planting along the boundary plus further conditions to restrict signage, lighting, external storage and to prevent further paraphernalia that might make it more of a commercial entity and detract from the stark visual appearance of the site.

- 8.24. One final point, it appears that in the past an argument was put that the removal of 3135 would somehow open up the view into the flying field. Certainly this is impossible from mid-distances due the topography and lie of the land. And from more distant views it is difficult to see past vegetation and other buildings to the inner core of the air field. Even on the boundary from the proposed footpath it is difficult to see what beneficial view will be gained as levels are still below the main plateau on which the runway is located, but in any case, there are various buildings and vegetation that prevent clear sight but furthermore, there are far better locations from which better and more impressive vistas are obtained.

Heritage and Impact on the Conservation Area

- 8.25. Building 3135 has historically not been regarded as a heritage asset. It was listed in early assessments of the base that it was only of local importance. In fact it was generally considered environmental improvements required by OSP Policy H2 would be best achieved by demolition of it. However, Historic England and others are now reappraising many of these "ordinary" buildings because however humble, they all are related to the history and development of the base, in this case from the period of the Second Cold War, 1980- to 1993.
- 8.26. The NPPF recognises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, and put to a viable use consistent with their conservation. Storage use for this building that was originally designed by the military for storage is in line with the policy albeit that it is aesthetically a low grade structure. It is however in the RAF Upper Heyford Conservation Area and forms part of the character and appearance thereof, its retention will therefore have a neutral impact on the Conservation Area.
- 8.27. One other consideration with regard to heritage, Building 3135 was located in what was designated by the SoS in the appeal decision as a Cold War Park. A scheme has to be approved for the Cold War Park covering timing of implementation together with other details such as fencing. However the agreement was varied after the previous application in 2013 to retain 3135 and to exclude it from the Cold War Park and secure an equivalent area in compensation.

Transport, Access and Highways

- 8.28. In general, Heyford is an isolated rural location that does not have easy access to services and facilities or good alternatives to travel by private car. The proposed use will however, generate a minimal amount of traffic once the initial transfer of documents has taken place. The site has the same access as the rest of the flying field with main entrance to Camp Road and the use of the circulatory service road around the flying field to the building. An area of hard standing is already in place suitable for vehicle parking which is partially screened by trees and supplemented

by further vegetation on the boundary. The Highway Authority has no objection to the proposal.

Changes in Circumstances since the Appeal Decision

- 8.29. Notwithstanding the in principle decision taken by the Council some years ago to seek its removal, and the concurrence of the previous developer followed by the decision of the Secretary of State to agree its demolition, it is considered that there have been changes in circumstances particularly since the adoption of the Local Plan, in national planning guidance, consideration to the setting of the building, the assessment of the heritage value of the airfield and, more particularly, arising from the change of economic circumstances and the weight to give to them.
- 8.30. The appeal decision itself has changed in many respects the weight to be afforded the previous policy and the balance between the requirement to secure environmental benefits as well as heritage assets. In effect whilst the development of Heyford Park may be seen as enabling development to secure heritage assets and environmental benefits, the 2010 appeal decision makes this a development site, a decision reflected in the policy of the Local Plan that allocates the former base as a strategic development site.
- 8.31. A second change to be taken into account is Planning Guidance. Nearly all Planning Policy Guidance in place at the crucial times when development proposals for the former RAF Upper Heyford were considered has also been revoked. We are now guided by the CLP and the NPPF with its emphasis on sustainable development.
- 8.32. A third change since the start of the appeal process in 2008, and certainly before the planning process started that resulted in the appeal itself is the national and international economic climate. The NPPF itself has three dimensions to it: economic, social and environmental. But there is little doubt that in recent times Government policy and decisions, as seen in the planning appeal process, have accentuated the weight to be given to development that contributes to building a strong, responsive and competitive economy.
- 8.33. A fourth and more subtle change is the feeling the building has in the last few years been somehow assimilated into the landscape. The building is utilitarian and not of a design and construction that will normally age well but somehow, through its materials and their colour, the maturing landscape of the airfield and the growth of vegetation off site, the building does not seem now to have the adverse visual impact when it was considered in and around 2008.
- 8.34. When all these factors are weighed together there seems to be no doubt that greater weight should be given to the benefits associated with retaining and reusing Building 3135.

Other Issues

Impact on Residential Amenity

- 8.35. Even without detailed plans it is clear the use of Building 3135 will have limited effect on residential amenity. The nearest housing is a significant distance away.

Landscaping

- 8.36. Details are submitted in recognition landscaping is required to mediate the impact of a building that had previously been proposed for demolition. There is scope to plant in a verge that runs inside the boundary line of Heyford Park.

Heyford Park Masterplan

- 8.37. Members will be aware from a briefing last year that the owner of the former base and lead developer at Heyford is preparing an application seeking to fully implement the proposals contained in CLP policy Villages 5. This is due to be submitted probably after Easter. As the inset plan for Policy Villages 5 identifies areas for additional development around the settlement and technical areas with limited incursion on to the flying field there is unlikely to be a direct impact on Building 3135 or this proposal. Indeed, permission for the use of buildings on the flying field has been granted by the 2010 appeal decision and there is unlikely to be any deviation from that approval in the foreseeable future. Furthermore, applications have to be treated on their merits and approved if they accord with the development plan which officers consider to be the case here.

Call In Procedure

- 8.38. Should Planning Committee accept the Officer's recommendation and be minded to grant Planning permission, the application will need to be referred to the Planning Casework Unit at the Department for Communities and Local Government in order to consider whether the application should be called in following a third party request for determination of the application by the Secretary of State for Communities and Local Government.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. In summing up this proposal two further points need to be addressed that have been touched upon but not fully considered.
- 9.2. The first is whether this proposal constitutes sustainable development as set out below from the NPPF:

“International and national bodies have set out broad principles of sustainable development. Resolution 42/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The UK Sustainable Development Strategy Securing the Future set out five ‘guiding principles’ of sustainable development: living within the planet’s environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.”

- 9.3. So, sustainable development means encouraging economic growth while protecting the environment and improving our quality of life all without affecting the ability of future generations to do the same. In the report it has already been stated that retaining the building will potentially aid our prospects for economic growth. It will have a neutral impact on the character and appearance of the Conservation Area. It will not adversely affect the main views to the site from across the Cherwell Valley. Where there is an adverse visual impact this can be mitigated by planting. Carbon emissions from transport will be minimal because despite the isolated rural location it will generate limited traffic. And finally the proposed use will be a low energy generator given the nature of the use. So in the officer's conclusions, the proposal could be considered sustainable development.
- 9.4. The second issue was considered in granting planning permission in 2013 of the consequence if permission was refused. There was a clear implication that if planning permission was not granted the applicant would relocate the new business elsewhere and remove the existing operations already taking place at Heyford Park.

This was not an easy matter to advise Committee on but such threats are normally considered unhelpful and a distraction from the main planning issues and should be set to one side. In fact the occupier of Building 3135 has remained at Heyford and has in the intervening period taken on additional buildings for its use further establishing the economic base of Heyford Park. Furthermore, those buildings occupied are scheduled ancient monuments which it has sensitively converted and been supported by Historic England in doing so.

- 9.5. There is also a third issue in so far as if Committee does resolve to maintain the stance of its predecessors and indeed the Secretary of State in the appeal decision and seek to resist the use of 3135, there is a problem in so far as there are no conditions or planning obligations in place to require the demolition of 3135. So if permission was refused it is likely, pending any appeal, it would remain unused and seemingly a wasted resource.

10. RECOMMENDATION

That permission is granted, subject to:

- i) The application being referred to the Secretary of State for Communities and Local Government to consider whether to call in the application for determination.
 - ii) And if the application is not called in to authorise the Officers to issue the notice of permission subject to the following conditions:
- 1 The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
- Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:
- o Site location plan-D0342-45 Sheet 1 rev 1
 - o Building 3135 Site plan D0342-45 Sheet 2 rev 1
 - o Building 3135 Bin store plan D0342-45 Sheet 2 rev 1
 - o Upper Heyford tracking HEYF 5 SK321 B
 - o Planting Proposals D0291-164C
 - o Employee Travel Plan ref 28991/001 dated August 2013 (subject to updating-see condition 4)
- Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.
- 3 That all planting, seeding or turfing comprised in the approved details of the landscaping plan shall be carried out in the first planting and seeding seasons following the occupation of the building and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

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

- 4 That the means of vehicular access to the buildings shall be via the former main gate onto Camp Road or Gate 7 only until such time as alternative access is available.

Reason - In the interests of highway safety

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

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with the advice contained in the NPPF.

- 6 All plant, machinery, mechanical ventilation equipment and ducting, other than that existing, shall be installed internally. No other plant, machinery, mechanical ventilation equipment, flues or ducting shall be placed on the outside of the building without the prior written permission of the Local Planning Authority unless otherwise agreed with the Local Planning Authority.

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

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

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

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

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

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), the Council has worked positively and proactively to determine this application within the agreed timescales, having worked with the applicant/agent where necessary and possible within the scope of the application (as set on in the case officer's report) to resolve any concerns that have arisen, in the interests of achieving more appropriate and sustainable development proposals. Consent has been granted accordingly.

The case officer's report and recommendation in respect of this application is available to view online at: <http://www.cherwell.gov.uk/viewplanningapp>. The agenda, minutes and webcast recording of the Planning Committee meeting at which this application was determined 15 March 2018 are also available to view online at: <http://modgov.cherwell.gov.uk/ieListMeetings.aspx?CId=117&Year=0>.

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