

Heyford Park  
Camp Road  
Upper Heyford  
Bicester  
OX25 5HD

18/02169/F

**Case Officer:** Andrew Lewis

**Applicant:** Paragon Fleet Solutions Ltd

**Proposal:** Temporary change of use of the eastern part of southern taxi way for use in connection with established and lawful car processing operations

**Ward:** Fringford And Heyfords

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

**Reason for Referral:** Major Development

**Expiry Date:** 31<sup>st</sup> May 2019

**Committee Date:** 30<sup>th</sup> May 2019

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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

### **RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS**

#### **Proposal**

The proposal seeks to continue and extend the temporary planning permission to store cars on land at the former RAF Upper Heyford as part of the existing authorised car processing operation currently taking place there. At present 6,000 cars a year are processed here but this will rise to 8,000 if permission is granted. The use is sought until 31<sup>st</sup> December 2021 by which time it is hoped a masterplan will have been agreed for development at Heyford Park, in line with the Policy Villages 5 of the Cherwell local Plan, in which it is proposed to relocate the applicant's operation.

#### **Consultations**

The following consultees have raised **objections** to the application:

- OCC Highways, Oxford trust for Contemporary History

The following consultees have raised **no objections** to the application:

- Historic England, CDC Conservation, CDC Environmental Health, Mid Cherwell neighbourhood Plan Forum, Upper Heyford Parish Council

2 letters of objection have been received.

#### **Planning Policy and Constraints**

RAF Upper Heyford was designated a conservation area in 2006. The primary architectural and social historic interest of the airbase at RAF Upper Heyford is its role during the Cold War. Designation of the airbase as a Conservation Area acknowledges the site as an important Cold War landscape type.

The eastern part of the flying field is designated a wildlife site.

The site is covered by a specific policy in the Cherwell Local Plan-Villages 5. It is also within the Mid Cherwell Neighbourhood Plan area.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

## **Conclusion**

The application raises a number of issues but the main ones are considered to be:

- The Principle of Development and Compliance with the Development Plan
- Impact on the Conservation Area, other Heritage Issues and the Environment
- Employment and Economic Benefit
- Ecology
- Transport, Access and Highways

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## **MAIN REPORT**

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

- 1.1. The application site for this proposal is on part of the former flying field of RAF/USAF Upper Heyford. It consists mainly of former runway, taxiway and other hardstanding. It measures approximately 7.39 hectares in size, the Heyford base being approximately 505 hectares in total of which 17 hectares are permitted for car processing. The military use ceased in 1994.
- 1.2. The proposals seek planning permission for the continued and extended use of the eastern part of the southern taxiway in conjunction with the existing permitted car processing operations at Upper Heyford. Although the land as part of the former flying field is open, it is at a lower level than the main runway to the north, and screened largely to the south by a group of hardened aircraft shelters (HASs) known as the Christmas tree and by the Southern Bomb Stores. The areas of hardstanding are surrounded by large swathes of grassland.
- 1.3. The site is secured by a mix of boundary treatments. The sole vehicular access is from the west via gate 7 to Camp Road.

### **2. CONSTRAINTS**

- 2.1. The former airbase, as a whole, was designated as a Conservation Area in 2006, reflecting the role that the site played in the Cold War years, and its associated military architecture and layout. In addition to its designation as a Conservation Area, the wider RAF Upper Heyford site also contains a number of Scheduled Monuments identified as 'Cold War Structures' and five listed buildings as noted in the 'RAF Upper Heyford Conservation Area Appraisal' produced by the council (CDC) in 2006. None of these designated structures are located within the boundary of the application site or in proximity to it.

- 2.2. It is also part of a County designated wildlife site important for its calcareous grassland, ground nesting birds and great crested newts although the latter are not found on the application site.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The application site consists of a mix of runway, taxiway and other hardstanding. The larger part of it (5.84 hectares) had temporary permission to be used for car processing, mainly car parking, until April 2014, and again until May 2019, in part to facilitate a transitional period where it downsized from a larger area of almost 25 hectares from which it previously operated and that included the main runway. 17 hectares was authorised for "Car Processing" at an appeal in January 2010. This part of the site is essentially car parking after delivery and before departure, and before and after processing. This processing can consist of a number of roles undertaken elsewhere on the site but including inspections, body shop work, valeting, mechanical work, etc.
- 3.2. The applicant, Paragon Fleet Solutions Ltd is part of the BCA Group which is a company that operates across every link of the post-factory automotive value chain, offering a range of linked services throughout the lifecycle of a vehicle's life. The Group provides comprehensive vehicle management services to Original Equipment Manufacturers (OEMs) and fleet owners, and facilitates efficient changes in ownership between all types of vendors and buyers throughout the typical 12 to 15 year life span of a vehicle. Remarketing services are at the core of the Group's business model, managing vehicle transactions between vendors and buyers. About 600 people are employed on site by BCA.
- 3.3. The applicant maintains they need to process approximately 8,000 vehicles a year to be viable, currently it is about 6,000. At the time of the Public Inquiry (refer to planning history – paragraph 4.4) they were processing some 9,500 but have since ceased their rental car operation (3,300 cars)

### **4. RELEVANT PLANNING HISTORY**

- 4.1. In terms of the uses on Upper Heyford, 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. The part of the base subject to this planning application has been largely used for car storage for some years albeit on temporary permissions.
- 4.2. 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 'special attention shall be paid to the desirability of preserving or enhancing'. This provides the context and framework to ensure the character and appearance of the Cold War landscape is preserved.
- 4.3. This application is on the Flying Field and crosses a number of character zones as classified in the Conservation Appraisal which can be summarised as:
- 1D. South Aircraft Shelters  
The open aircraft shelters located in this area lack the dominant presence of the HASs. Current usage has robbed the landscape of any defining characteristics.
  - 3. Runway East Terminal

This area has some of the characteristics of 1A but the land dips slightly to the east and there are wide views across the more-or-less level surrounding farmland of the Fritwell and Caulcott Plateaux. The overall character is therefore very different from 1A and the area lies outside the 1940s core, having been constructed in the 1950s

- 6 Southeast HASs

This area has a distinctive character because the HASs and ancillary structures are relatively close together but the visual link with the major part of the Landscape of Flexible response is poor and it lacks the simplicity and openness of Area 1

- 1A Central Runway

Open landscape dominated by the uniform planes of meadow grassland and hard surfaces and by the wide horizons. The area is surrounded by HASs (Hardened Aircraft Shelters) and includes the control tower The CWS (County Wildlife Site) is located towards the eastern end of the area

- 4.4. Numerous applications have been made seeking permission over the last 20 years or so to either develop the base or large parts of it and numerous of them have gone to appeal. The most significant was application ref 08/00716/OUT. This was subject to 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).”*
- 4.5. On policy, the Secretary of State (SoS) thought the development was in general conformity with the Oxfordshire Structure Plan policy H2 (the relevant development plan policy at the time) which sought to provide a community of about 1000 dwellings with schools and employment opportunities, and that it would enable environmental improvements, conserve heritage interests and provide appropriate level of employment. In terms of employment, the SoS recognised that businesses were well established and there were 500 people currently employed in car processing. Economic benefits were a "weighty material consideration although they did not seem as such to outweigh the harm to the character of the conservation area. However the Inspector refers to the need to balance heritage interests against exceptional circumstances to justify overriding the presumption to preserve and enhance the conservation area. On reuse of buildings, it was considered their retention would outweigh the breach in the number of jobs limited on the site. Shops would provide a service to the community and the employment would stop Heyford becoming a dormitory town
- 4.6. The SoS concluded the proposal would substantially accord with the development plan, meaning Structure Plan policy H2. 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
- 4.7. The grant of planning permission authorised many of the uses being undertaken at the site and sets out the template for future development. In terms of the main employment use, i.e. car processing. The SoS agreed with the Inspector that harm would be caused to the Conservation Area and would not achieve environmental improvements. However, it was outside the core historic area, in the least significant part of the site overall and largely concealed from public views. A balance had to be struck between preservation and enhancement and the exceptional circumstances argument put forward by the appellant. In the end, it was resolved to accept the reduced area of 17 hectares and alter the entrance to the site to lessen the visual impact of car storage.

- 4.8. The uses and development permitted upon the flying field at the appeal have been implemented under the appeal permission.
- 4.9. The development of the settlement and technical areas has been delayed as the site was acquired by new owners who decided to refine the approved scheme. As a result, a new masterplan was drawn up and submitted as part of an 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 demolition of all buildings on this site. A number of reserved matters have been submitted, approved and implemented for permission 10/01642/OUT. As a result of this the new settlement is starting to take shape.
- 4.10. Furthermore, the whole base is currently subject of a further masterplan application (reference 18/00825/HYBRID) seeking to implement the Cherwell Local Plan policy Villages 5. There are implications for the continued use of the site for “car operations” which are still proposed to be retained and relocated further to the west of the site.
- 4.11. Below is a list of the most relevant applications referred to above and relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
08/00716/OUT	OUTLINE application for new settlement of 1075 dwellings, together with associated works and <i>facilities</i> 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 on 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	Application Permitted
10/00107/DISC	Discharge of Condition no. 49 of 08/00716/OUT (Security for car processing area)	Application Permitted
12/00040/F	Change of use to allow the continued use of land, buildings and other structures and continued retention of security trench, concrete rings and temporary lamp posts	Application Permitted, for temporary

	until 1st April 2014.	period
13/01599/F	Change of use of the eastern part of southern taxi way for use in connection with established and lawful car processing operations	Application Permitted, temporary for 5 years
18/00825/HYBRID	Demolition of buildings and structures as listed in Schedule 1; Outline planning permission for up to 1,175 new dwellings (Class C3); 60 close care dwellings (Class C2/C3); 929 m2 of retail (Class A1); 670 m2 comprising a new medical centre (Class D1); 35,175 m2 of new employment buildings, (comprising up to 6,330 m2 Class B1a, 13,635 m2 B1b/c, 9,250 m2 Class B2, and 5,960 m2 B8); 2.4 ha site for a new school (Class D1); 925 m2 of community use buildings (Class D2); and 515 m2 of indoor sports, if provided on-site (Class D2); 30m in height observation tower with zip-wire with ancillary visitor facilities of up of 100 m2 (Class D1/A1/A3); 1,000 m2 energy facility/infrastructure with a stack height of up to 24m (sui generis); 2,520 m2 additional education facilities (buildings and associated external infrastructure) at Buildings 73, 74 and 583 for education use (Class D1); creation of areas of Open Space, Sports Facilities, Public Park and other green infrastructure; Change of Use of the following buildings and areas: Buildings 357 and 370 for office use (Class B1a); Buildings 3036, 3037, 3038, 3039, 3040, 3041, and 3042 for employment use (Class B1b/c, B2, B8); Buildings 217, 3102, 3136, 3052, 3053, 3054, and 3055 for employment use (Class B8); Buildings 2010, 3008, and 3009 for filming and heritage activities (Sui Generis/Class D1); Buildings 2004, 2005 and 2006 for education use (Class D1); Buildings 366, 391, 1368, 1443, 2007, 2008 and 2009 (Class D1/D2 with ancillary A1-A5 use); Building 340 (Class D1, D2, A3); 20.3ha of hardstanding for car processing (Sui Generis); and 76.6ha for filming activities (Sui Generis); the continuation of use of areas, buildings and structures already benefiting from previous planning	Pending Consideration

permissions, as specified in Schedule 2; associated infrastructure works including surface water attenuation provision and upgrading Chilgrove Drive and the junction with Camp Road

## **5. PRE-APPLICATION DISCUSSIONS**

- 5.1. No specific pre-application discussions have taken place with regard to this proposal.

## **6. RESPONSE TO PUBLICITY**

- 6.1. 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 20.02.2019, although comments received after this date and before finalising this report have also been taken into account.

- 6.2. One letter has been received from the Oxford Trust for Contemporary History. The comments raised are summarised as follows:

- The application for an extension to car storage (in time, space and number of cars) should be refused as being contrary to the development plan/local plan.
- There are other material considerations, but these should not override the need to preserve and enhance the conservation area and setting of scheduled ancient monuments and listed buildings
- The material considerations raised by the applicants relate to commercial and employment interests that could and should be accommodated on another commercial site and not adversely impacting on the heritage appreciation and use of best preserved physical remains from the defining period of the last century.
- The application is based on out of date assessments; failing to rely on or understand the stated position of Historic England and CDC conservation officers that it is the whole site as an operational airbase that has international significance and that it is inappropriate to permit piecemeal developments on the basis of more or less important areas and previous designations.
- The need to prevent further inappropriate changes to Upper Heyford becomes ever more important given the increasingly urgent need to understand the Cold War (and relations with Russia) and the dilution/cleansing of this and other Cold War and potential heritage sites continues.
- There are three international conventions (ie Paris, Granada and Valetta) that should be taken into account by the applicants/owners/LPA/Secretary of State in considering developments and public access at Upper Heyford.
- Nearly ten years since the appeal decision permitting the redevelopment of the site, the residential and commercial areas have doubled and the minimal heritage plan has yet to be implemented (no heritage uses - other than a Cold War park - have been formally permitted or implemented on the former air base, and the heritage centre reduced, by 90%, has not opened).
- The applicant's landscape and heritage assessments have been carried out as if the public will never be allowed onto the site to appreciate the 'cold war landscape'.

- The application also assumes that the masterplan (submitted without any accredited heritage assessment/plan) will be approved, which would allow the relocation of the area of car storage to the west.
- Approval of the temporary use/extension would reinforce the view that commercial (and residential) uses will continue to take precedence over and prejudice the future use of the site, of preeminent international importance, for heritage purposes.
- The applicant is proposing to change the Cold War landscape through ditching and bunding to screen what is thereby being acknowledged as an inappropriate use in the Cold War landscape.
- Expansion and retention of this use should not be supported. The supporting information is misleading and does not include the properly evidenced masterplan and heritage impact assessments required by the Local Plan.

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

## **7. RESPONSE TO CONSULTATION**

7.1. 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.

### CONSULTEES

7.2. UPPER HEYFORD PARISH COUNCIL - does not object to this application, however wishes to make the following comments:

- would have no visual impact at Heyford Park
- will impact on the traffic increases across the area and Heyford park specifically.
- HGV traffic travelling along Camp Road is already an issue and any increase in this traffic, before the Chilgrove Drive access is agreed and actioned will clearly impact the local community. School children travelling to and from the school alongside the residents of Heyford Park are already endangered by this HGV traffic today.
- We would echo the responses from Oxfordshire County Council that this extension should not, in any way delay the processing of the Chilgrove Drive access plan or the diversion of Aves Ditch, in fact, we would encourage the developer and CDC to push these aspects forward at the earliest opportunity in order to alleviate the situation.
- Furthermore the developer and business should be encouraged to minimise the impact of Light Pollution on any further development of the land in this application. Local residents who live in the new development close by to this area are already impacted by high intensity lighting employed here and any increase would not be welcomed.

7.3. MID-CHERWELL NEIGHBOURHOOD PLAN FORUM (MCNPF):

- MCNP Policy PC1: Local Employment-we support the ongoing employment opportunities that this extension will bring.
- MCNP Policy PD6: Control of light pollution, points B and C - We understand that there is no new lighting planned for this site area at this time, however over the period of the extension, should there be any further lighting requirement the developer and business should minimise the impact this will have on the surrounding residential development and wider countryside.

- The road network around Heyford Park is under great strain already as the housing development, school and businesses grow on Heyford Park itself. It should be made clear that any extension of the use of this land SHOULD NOT impact or delay the ongoing discussion and decision making around the proposed new entrance to Heyford Park for HGV access from Chilgrove Drive. If there is not a routing agreement in place with the business owner that restricts HGV traffic flow through the surrounding villages, then one should be in place. Heyford Park residents and surround village communities are suffering daily as HGV traffic increases. The proximity of Camp Road to Heyford Park Free School has a direct impact on the safety of school children, and adults alike on a daily basis.
- The diversion of Aves Ditch and the reopening of Portway are still not completed and this application must not hinder the already agreed action that must take place with regards these rights of way. Aves Ditch is in the location of this application site so should be focussed on in order to ensure the continued access to the site for members of the public.

7.4. HISTORIC ENGLAND - do not wish to comment

7.5. CDC-ENVIRONMENTAL PROTECTION OFFICER - No comment

7.6. CDC-CONSERVATION OFFICER:

- There are no objections to the temporary extension of time until the current hybrid masterplan application (18/00825/HYBRID) is resolved, as no additional harm would be caused to the heritage asset of RAF Heyford.
- There are, however, concerns about the proposal to expand the operation on the site from 6,000 to 8,000 cars. An expansion of the business needs to be considered within the context of the hybrid masterplan application and not as a separate entity.
- It is noted that the application is for an extension of time to an existing temporary use on the site. It is acknowledged that the car processing use was granted at appeal.

7.7. OCC HIGHWAYS: object

- Could affect alignment of Aves Ditch
- Could delay construction of new loop road/bus route
- Transport assessment required
- Travel Plan required

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

8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. 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)

- VIL5 - Former RAF Upper Heyford
- ESD15 - The Character of the Built and Historic Environment
- PSD1 - Presumption in Favour of Sustainable Development
- BSC2 - The Effective and Efficient Use of Land
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built Environment
- ESD17 - Green Infrastructure
- INF1 - Infrastructure
- SLE4 - Improved Transport and Connections

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

- C28 - Layout, design and external appearance of new development
- C23 - Retention of features contributing to character or appearance of a conservation area
- TR1-Transportation Funding

8.3. Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case, the application site falls within the Mid-Cherwell Neighbourhood Plan, and the following Policies of the Neighbourhood Plan are considered relevant:

- PC1: Local Employment
- PD4: Protection of important views and vistas
- PD5: Building and Site Design
- PD6:Control of Light Pollution

8.4. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

8.5. RAF Upper Heyford Conservation Appraisal 2006 (UHCA)

8.6. Council Corporate Priorities

Cherwell District Council’s Business Plan for 2019-20 sets out the Council’s three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2019–20. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the district.

The three corporate priorities are to ensure the District is “Clean, Green and Safe”, that it supports “Thriving Communities & Wellbeing”, and is a District of “Opportunity & Growth”. All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plan; (2) increase tourism and increase employment at strategic sites; (3) develop our town centres; (4) protect our built heritage; (5) protect our natural environment; (6) promote environmental sustainability; (7) promote healthy place shaping; (8) deliver the Growth Deal; (9) delivery innovative and effective housing schemes; and (10) deliver affordable housing.

The remaining key actions may also be of significance to the determination of planning applications and appeals depending on the issues raised.

The above corporate priorities are considered to be fully compliant with the policy and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

## **9. APPRAISAL**

### Background

- 9.1. Planning permission granted at the appeal in 2010 included use of 17 hectares of the flying field (mainly hardstanding and consisting of the former runways and taxiing area) for car processing. This was defined as the inspection, valeting, washing, repairing, tyre replacement, processing and delivery of cars and other car processing activities as may be required from time to time. This area was based on the minimum operational requirement of the business taking place by the current applicant. This land was considered to be the least sensitive part of the overall site being outside the core area of national significance, largely concealed from public views and from the Aves Ditch public footpath
- 9.2. Nonetheless, the site was in the Conservation Area and in the view of the Inspector its use would still cause harm but, after weighing up the economic benefits and possible level of job losses, the Secretary of State considered what was approved to be a reasonable balance between what he considered to be exceptional economic circumstances and conservation of heritage assets.
- 9.3. However, the applicant found the need to continue using much of the unauthorised hard standing, including the main runway, for car storage and their logistical operation. This led on to an application in 2012 in which a transitional arrangement was agreed whereby the applicant moved cars off the most sensitive areas and was given a temporary permission to use land the subject of the present application plus a further piece of runway some further 170m further east until April 2014 (ref 12/00040/F). This was based on a two year period by which time it was anticipated elements of the business could be transferred elsewhere and the Heyford site re-configured.
- 9.4. Although the rental arm of the business has now been transferred it seems the two other main elements, demonstration and company vehicles, have taken up the slack. In addition, the company is in another period of transition awaiting the outcome of the masterplan application for the whole site and in which they are scheduled to move their operation further west. So, the current application has been submitted seeking to maintain an area for storing up to 8,000 vehicles. It has come in with various supporting documents seeking to justify its case both economically and on grounds that it will not cause harm as previously considered.

## Main Issues

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

### The Principle of Development and Compliance with the Development Plan

- 9.6. Paragraph 11 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.
- 9.7. In terms of Heritage it states: In determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation,
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and
  - the desirability of new development making a positive contribution to local character and distinctiveness
- 9.8. The NPPF states that "Great weight should be given to a heritage asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification "
- 9.9. "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use "
- 9.10. "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."
- 9.11. In terms of economic considerations it states: "The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth Planning should operate to encourage and not act as an

impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system "

- 9.12. "In rural areas planning should support economic growth in order to create jobs and prosperity by taking a positive approach to sustainable new development To promote a strong rural economy, local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings "
- 9.13. So, when considering the argument between heritage and economic considerations, the concept in this case of assessing public benefit against harm to heritage assets has to be weighed. As ever it is a case of making a balanced judgement.
- 9.14. 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 12 which makes it clear that the starting point for decision making is the development plan.
- 9.15. Policy Villages 5 of the CLP identifies the former military base as a strategic site in the rural area for a new settlement. As well as seeking to achieve a settlement of approximately 1600 dwellings, in addition to those already approved, it proposes the creation of 1500 jobs. The policy also seeks necessary supporting infrastructure, including primary and secondary education provision and appropriate community, recreational and employment opportunities, enabling environmental improvements and the heritage interest of the site as a military base with Cold War associations to be conserved, compatible with achieving a satisfactory living environment. Any additional employment opportunities further to the existing consent are to be accommodated primarily within existing buildings within the overall site where appropriate, or on limited greenfield land to the south of Camp Road. It goes on to lay down specific design and place making principles including the following of relevance to this application:
- 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.
  - Provision of a range of high quality employment opportunities, capable of being integrated into the fabric of the settlement, and providing that the use would not adversely affect residents or other businesses and would not have an unacceptable impact on the surrounding landscape, historic interest of the site, or on nearby villages
  - New and retained employment buildings should make a positive contribution to the character and appearance of the area and should be located and laid out to integrate into the structure of the settlement
  - Landscape/Visual and Heritage Impact Assessments should be undertaken as part of development proposals and inform the design principles for the site

- 9.16. It should also be brought to the Committee's attention that the Mid Cherwell Neighbourhood Plan has been through its Examination in Public and referendum. Now adopted it has policies relevant to the development at Heyford including Policy PC1-Local Employment that states employment benefiting the local economy will be supported.
- 9.17. So, when considering the argument between heritage and economic considerations, the concept in this case of assessing public benefit against harm to heritage assets has to be weighed and it is a case of making a balanced Judgement. But the plans and supporting documentation demonstrate its general conformity with the development plan. The significant elements being:
- The development avoids the most historically significant and sensitive parts of the site
  - By supporting the car processing operation it has resulted in a number of heritage assets being retained and restored
  - The location of the site mitigates the impact on residential amenity
  - The development has no permanent effect on the stark functional character and appearance of the flying field and is outside the main areas of international and even national significance
  - The location of the site mitigates the impact on the ecological interest of the flying field
  - The proposed use will help retain a range of high quality employment opportunities, without adversely affecting residents or other businesses
  - The proposed use not adversely affect the surrounding landscape, historic interest of the site, or on nearby villages
- 9.18. Therefore, subject to the following detailed consideration of the relevant key issues, the principle of the development can be supported as in general conformity with the relevant development plan policies.

#### Impact on the Conservation Area, other heritage Issues and the Environment

- 9.19. In terms of local policy, the Council has supported a new settlement and necessary supporting infrastructure, including employment opportunities, as a means of enabling environmental improvements and the heritage interest of the site as a military base with Cold War associations to be conserved. The majority of significant heritage assets on site are to be preserved through the main permission and unilateral undertaking secured with it granted on appeal in 2010.
- 9.20. At the appeal, the Inspector thought "changes of use should serve and be subservient to achieving environmental improvements, securing the heritage interest of the site and achieving a satisfactory living environment (and within those, provide some employment and some of the other necessary infrastructure). Whilst it would not impact adversely on the living environment of the settlement area, the 17ha of outdoor car staging would not achieve an environmental improvement and it would seriously harm the character of the Conservation Area."
- 9.21. She also considered the defining character of the flying field to be its openness. She agreed with Historic England that "the southern taxiway relates closely in character and purpose to the main runway and that they are both key features of the Conservation Area. Those features with their ultimate purpose of delivering "flexible response" and all the earlier concepts of Cold War airborne deterrence is the essential element in the Conservation Area. I saw that Paragon's present use of the main runway is highly destructive to the character of the site." She went on: "The

cars cannot sensibly be viewed as a transitory impact. When one leaves the ranks it is replaced by another awaiting processing.”

- 9.22. The current site is outside the core area of National Significance and set away from Scheduled and Listed Buildings. In terms of direct impact on heritage, in the supporting documentation, the applicant’s state that their ...”visual assessment demonstrates that the proposed use would have no material impact on the Conservation Area from any (public) viewpoint... or from the majority of the Conservation Area”. It would have an impact from the main runway but not more than the current operation has so it “does not introduce any new element into views of the character of the Conservation Area”. They are prepared to mitigate the impact with fencing and low mounding and claim this will also improve the views of the authorised storage areas.
- 9.23. There is not an unrestricted public access to the airfield but conservation legislation does not distinguish between areas of public view and other areas. The eastern part of the site has a degree of sensitivity as the realigned Aves Ditch footpath will pass close by. Users of the footpath when it is reinstated will be able to see an area of high density parking on the eastern runway. This was considered at the appeal by the Inspector to be harmful and the applicant agreed to omit it from the overall scheme at the Public Inquiry.
- 9.24. Previously a series of concrete rings were placed on the boundary of the site as a temporary screening measure. These remain in place and have now weathered with a mixture of grasses and lichen growing on them. These have almost blended into the surrounding grassland and have the benefit of screening the cars whilst not being so intrusive visually or in terms of land encroachment to the County Wildlife Site.
- 9.25. It will be noted the Conservation Officer does not object to the application bearing in mind the authorised use is permitted on site and this application seeks a temporary permission.
- 9.26. In terms of environmental impact, the MCNPF have expressed concern about lighting on the site but none is proposed as part of this application.
- 9.27. All in all, and having regard to Section 66 and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), Officers are satisfied that the impact on designated heritage assets is acceptable and any harm is mitigated by the temporary nature of the permission being sought and the economic benefits.

#### Employment and Economic Benefit

- 9.28. To make the community sustainable it is necessary to provide employment opportunities as set out in Policy Villages 5. To maximise the opportunities for residents to work close to where they live a range of employment opportunities will be sought. Employment provision should be within and part of the settlement to enable access by foot and be conveniently served by public transport. The premises could support local services and contribute to the vibrancy and vitality of the settlement.
- 9.29. Historically, the use subject of the current application has been authorised by temporary consents granted first in 1995 and renewed by short term permissions up until the appeal decision in 2010. Permissions were granted as an exception to policies on sustainability and to replace employment lost by the closure of the base and to raise revenue for the MoD. It was recognised in a development brief for the

site in 2007 that many of these businesses have now become established with a local workforce and therefore need to be handled with a degree of sensitivity.

- 9.30. Despite the objection received from the Oxford Trust for Contemporary History, the car processing operations is a lawful use on the site and provides a stable economic base to the site with some 600 employees, about half the workforce at Heyford, and making it possibly the third largest employer in Cherwell. The long term retention of Paragon on the base was permitted through the appeal to be part of the so called "lasting arrangement" and is not at issue with the current application.
- 9.31. The Company have also pointed out that they are responsible for significant levels of direct and indirect employment in the local economy; provide a wide range of employment opportunities including with a high level of skills; it is a recognised centre of excellence in the automotive industry and in IT; it provides considerable training and career development opportunities; and it creates social and economic spin-offs in the local community.
- 9.32. The NPPF encourages sustainable economic growth and says Planning should not act as an impediment to it. Significant weight should be given to proposals for economic growth. This is taken even further with the rural economy where growth and expansion of all types of businesses and enterprises are encouraged.
- 9.33. Recognising the potential harm the development may cause led to an exercise with the previous application where alternative strategies have been considered to make the business viable within the terms of the existing planning permission. These include on site efficiencies, moving some operations off site and the complete relocation of the business. It was concluded these would have a more dramatic impact on the heritage or the community, that it simply would not be feasible and that at the end of the day the present site is the most preferable for the business. And of course the future of the use at Heyford is being reviewed as part of the current masterplan application.
- 9.34. Notwithstanding these hypothetical arguments, Planning Committee still has to consider the merits of the case and determine the application accordingly. Officers consider that the economic benefits should be afforded significant weight in favour of approving the development.

#### Ecology

- 9.35. The Council's Ecologist has previously advised the continued storage of cars on areas of hard-standing will have no ecological impacts. Concern had been expressed about proposed ditches and bunding to screen the cars and its potential impact on the Local Wildlife Site (LWS) but this was not pursued.

#### Transport, Access and Highways

- 9.36. In response to the County Council's initial objection the applicant submitted a technical note to overcome their objection. The County's objection is retained but it is not felt the reason for objection justifies planning permission being refused. Looking at these issues in turn:

##### Aves Ditch

- 9.37. Aves Ditch is an ancient route that originally crossed the site. At the 2010 appeal an alternative route was agreed in principle to circulate the boundary. That is the agreed and default position. However, the current masterplan application has allowed options to reopen the former Aves Ditch route along different alignments.

These discussions are on-going but the temporary use of this area of hardstanding as currently applied for would not prejudice the potential or ability for the Aves Ditch route alignment to be routed across this part of the site post 2021, as and when the new Masterplan and its implementation has been agreed by Dorchester, the Councils and other key stakeholders.

#### Transport Impact

- 9.38. A Transport Note has been submitted to assess the transport impact on the wider highway network. In simple terms, the acquisition of Paragon Fleet Solutions by BCA, gave the opportunity to utilise the internal BCA Automotive logistics far more effectively across the various businesses, resulting in BCA transporter movements being loaded more often on both inward and outward journeys from the site than was the case previously. Typical movements are some 12-19 BCA Automotive transporter vehicles operating daily, with further 4-6 transporters daily by specialist sub-contractors. On this basis the County accept the increase in capacity would not bring about a significant adverse impact on the surrounding transport network.

#### Public Transport-Bus loop

- 9.39. The County are objecting to the loss of a potential route through the site for public transport that is shown on the masterplan. As with Aves Ditch, this application seeks temporary planning permission only until 31<sup>st</sup> December 2021. This transitional arrangement is in effect a 'stepping stone' so as to allow the currently submitted new masterplan planning application to be further considered and approved in the intervening period. As and when approved, this new masterplan will include a new permanent area for the Paragon/BCA car processing activities further to the west of the Heyford Park site and at that time the "bus loop" becomes available but it must be stressed this is still on an application that is yet to be considered by the Council. It should also be pointed out that the applicant currently has full permission (from the appeal) to use the land on which the bus route is indicated.

#### Travel Plans

- 9.40. The County Council have requesting a condition be imposed requiring a fresh travel plan. In response, the applicant had commented that a comprehensive site-wide travel plan is being negotiated by the site owners, Dorchester, and it would be beneficial for any Travel Plan measures that are to be considered and subsequently introduced to be undertaken on a comprehensive and consistent basis across the various businesses that operate at Heyford Park. It is therefore suggested that this matter be addressed through the existing (and proposed new mechanism) which are (and will be) in place through the current (and proposed new) masterplan permissions and associated planning conditions and obligations, rather than unnecessarily duplicated on this short-term temporary permission.
- 9.41. The Planning Officer has some sympathy with that view and feels the site wide travel plan currently being negotiated should be secured rather than a series of piecemeal ones.

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. This application therefore rests on a decision as to whether the harm to the conservation area is outweighed by the economic benefits from the expansion of the use. That the proposals are harmful to the character and appearance of the Conservation Area was accepted at the last appeal. Given the harm arising to the Conservation Area from the current proposal the NPPF advises that 'great weight'

should be given to heritage assets and any harm or loss should require clear and convincing justification.

- 10.2. However, the NPPF also emphasises the weight to be given to sustainable economic development and Paragon are a major employer in the District and of a type which has invested in a high degree of skill for its workforce and in technology. Previously the Council were advised the proposal would enable them to take on new contracts and generate new employment and result in a further investment in the site and this appears to have been the case with over 100 additional staff now employed at Heyford Park.
- 10.3. The Council are currently considering a masterplan for Heyford Park in which the applicant will be relocated to the west of this site so any harm from the proposed continued use will be temporary.
- 10.4. It is therefore considered on balance having carefully weighed the issues the proposal would amount to a sustainable form of development and it is recommended to grant permission for the continued use and expansion of the car storage area for a temporary period until 31<sup>st</sup> December 2021

## **RECOMMENDATION**

**RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)**

- 1 The permission hereby granted shall be temporary until 31st December 2021 and the use hereby permitted shall be discontinued and the land shall be restored to its former condition on or before that date.

Reason - To enable the Council to review the position at the expiration of the stated period, in order not to prejudice the consideration of future proposals for the land and/or in view of the special/personal circumstances of the case which are such as to override basic planning objections to the development in accordance with Policy Villages 5 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans:

- Site Location Plan P18-1596
- Areas Plan P18-1596\_02A
- Existing Security Arrangements P18-1596\_03A

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Central Government guidance contained within the National Planning Policy Framework.

- 3 The area of the application site comprising open hardstanding identified for car processing (defined so as to comprise the inspection, valeting, washing, repairing, tyre replacement, processing and delivery of cars and

other car processing activities as may be required from time to time) shall only be used for activity which is related to car processing, and specifically shall not be used for the parking of any other vehicle associated with any other use or activity present on the application site.

Reason - In order to safeguard the visual amenities, character and appearance of the conservation area in accordance with Policy C23 and C28 of the adopted Cherwell Local Plan and Policy Villages 5 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

Reason: Such use would be inappropriate on the flying field, generate an inappropriate level of traffic and be contrary to Policy Villages 5 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Andrew Lewis

TEL: 01295 221813