

Application No: 10/00640/F	Ward: The Astons and Heyfords	Date Valid: 26.04.2010
Applicant:	Dorchester Heyford Park Group Ltd	
Site Address:	Former USAF Housing South Of Camp Road Upper Heyford	

Proposal: Permanent change of use of 253 existing military dwellings for residential class C3

1. Site Description and Proposal

- 1.1 The application site for this proposal is on part of the former USAF Upper Heyford base, specifically to the south side of Camp Road and to the west of the main centre of the settlement. It forms the residential character area known in the Planning Brief and Conservation Area Appraisal for RAF Upper Heyford as "Airmen's housing and bungalows". It includes 255 dwellings, primarily the prefabricated bungalows which are of a prefabricated construction built to an American specification. There are also groups of more solid 2-storey housing, notably the rendered terraced houses that date from the 1920's built around Carswell Circle, a group of red brick houses also built around a green south of Carswell Circle and a group of red brick semi-detached housing fronting Camp Road.
- 1.2 These dwellings are all covered by a temporary planning permission first granted in 1998 that permitted the change from their military associated use and which has been renewed every five years or so, most recently in March of this year (ref 09/01254/F). The temporary permission also covers other community buildings that are not part of the current application for example the church, community centre and nursery. This permission does not expire until March 2015.
- 1.3 The current application proposes to retain all the dwellings and road layout as existing with demolition of two bungalows, 5 and 7 Portal Drive South. The rationale for their removal is to create an arterial vehicular route that will link the retained dwellings with those proposed to be constructed to the east. This could facilitate a bus service through the estate in line with the masterplan approved at appeal earlier this year and which will be discussed in more detail below.
- 1.4 The area has limited open space, mainly the centre of Carswell Circles North and South, and has few trees or other significant vegetation.

2. Application Publicity

- 2.1 The application was advertised in the press, by site notice and by neighbour notification. It was clear for determination on 26th July 2010.
- 2.2 In addition, it is understood the applicants sent individual letters to all residents dated 1st June 2010 encouraging them to write to the Council in support of the application. There was also an on site exhibition and display. A standard letter was produced for residents to complete and send in. The Council have received 151 of these responses (not all signed or addressed) which request the permanent retention of the majority of these homes. Additional comments were also received in conjunction with these letters including:
- There is a good community spirit
 - The dwellings are basically sound
 - Good environment for children
 - Children settled at school
 - The structure is here it just needs updating
 - There is a lack of affordable housing
 - Work on the base so convenient
 - Elderly, would not like to relocate
 - The bungalows have a country cottage effect
 - Able to accommodate pets
 - Surrounded by countryside
 - Quiet surroundings
 - My home has been adapted
 - Residents want long term security
 - The bungalows should be retained as low cost rented housing
 - All properties should be affordable to current tenants-social housing, private rented or affordable purchase
 - They form part of the heritage of Upper Heyford
 - Would prefer a brick building
 - Interested in purchase- but need to see upgrade first
 - What would happen if homes go?
 - Spacious-for wheelchair user
 - Bungalows not energy efficient
 - Bungalows need updating
- 2.3 A petition signed by approximately 100 residents has been submitted by the Residents and Community Development Association. It states the residents are in favour of the application. They have been victims of circumstance. They wish there to be a stop to the waste of public money and uncertainty. They urge permanent planning permission is granted.
- 2.4 In addition, individual letters have been received from:
- 1 Larsen Road-local residents views should prevail and they support the application
 - 42 Harris Road (x3)-The properties are neglected but can be refurbished; the estate is shabby but decent and safe; the estate functions well; if permission was refused 250 families would be homeless and cause a gap in the rented sector market; many residents have lived here a long time and

deserve security; the estate is unique and a historical document that should be preserved; it is not about bricks and mortar but a community

- The Oxford Trust for Contemporary History:

Whilst supporting the application to retain the dwellings, when considering the above application the LPA is being asked, as it must, to have regard to the recent appeal, both the inspector's report and the advice of the Secretary of State.

The inspector's report considers whether policy OSP H2 requires that the re-development should be supported only on the condition that it is 'enabling development'. As Ms Mair reasoned,

19.33...but for the need to address its legacy, such a proposal as this seems unlikely to be supportable in policy terms, the LPA need to consider in what way, if any, can this be distinguished from the first test of legitimising 'enabling development' Ms Mair went on,

19.35 ...the scale of the development should be limited to that **necessary** to secure those interests...19.85 ...**changes of use** should serve and be subservient to achieving...heritage interest...(emphasis added)

There is no reasoning in the final decision which rebuts these findings. Whilst the permission granted on appeal can represent a fall back position, this new application signifies a lack of intention to carry out the wholesale redevelopment which was approved and indicates that an entirely different approach is now to be taken. The duty remains with the LPA to apply the policy and other material considerations as it now finds them.

It may assist to refer to the following extract from the judgment in the case of *Young v Oxford City Council* sets out the way in which the principle of enabling development applies.

The essence of a scheme of 'enabling development' is that the public, typically the community in a particular area, accepts some disbenefit as a result of planning permission being granted for development which would not otherwise gain consent, **in return for a benefit funded from the value added to the land by that consent** ...(emphasis added)

The issue of substance in this case is whether planning permission was granted because the development of the mews houses was acceptable in its own right, or whether it was granted on the basis that it was a proposal which would not otherwise obtain consent, but that consent was justified in return for a benefit funded from the value added to the land by that consent.

The LPA should consider whether permission for either permanent or temporary dwellings can be justified in the absence of a planning obligation

which accords with and goes towards achieving the purposes set out in OSPH2. It is appropriate that the LPA have regard to what Mr Keen said on its behalf at the Inquiry,

24...What would otherwise be 'unacceptable in planning terms' on PPG13 grounds is rendered acceptable in H2 by the three 'public benefits': environmental improvement, heritage conservation, and the achievement of a satisfactory living environment.

The apparent discrepancy between the inspector's acceptance of these submissions and the final decision, which does not provide an alternative interpretation of OSPH2, is hard to explain. However, the absence of a legal challenge does not relieve the LPA of the duty to continue to apply the development plan policy in a proper and intelligible way.

Uncontested evidence was provided to the public inquiry that the rent from the 300 existing dwellings was over £2million pa. Indeed the 'value added to the land by the consent' referred to in *Young* could be very substantial. There are a number of pressing needs for funds to enable the conservation of the Cold War heritage, not least the appointment of a curator and education officer said in evidence given to the inquiry by the NOC expert on cultural heritage to be of the 'highest priority'. The viable heritage project envisaged by OTCH (in the absence of the feasibility studies which the LPA and developer have as yet failed to carry out) would require substantial further funding.

Policy OSP H2 is addressed by the applicants Planning Supporting Statement. Para 3.4 (iii) claims that by '...preserving what is already there...', the application meets the requirement of OSP H2 to enable the conservation of the site as a military base with Cold War associations. The LPA must decide whether the requirements of OSP H2 are being met simply by keeping the existing dwellings or whether the three objectives set out in OPS H2 require the redevelopment of the site to enable something more?

If the application is supported by the LPA it will be interesting to see what conditions/obligations are attached and the formal reasons for the approval which address the points made in this letter.

3. Consultations

3.1 Oxfordshire County Council Developer Funding Officer:

The Heads, as in the case of the Education/other matters Heads, are for a deed of variation to the extant planning obligations in the public inquiry UU (Jan & Feb

2009) it's specific variation by agreement in June 2010 and also the current temporary residential permission agreement of Mach 2010.

General:

For clarity I refer the proposed Heads alpha-numerically; also COUP = Change of Use Permission

G1 Granting and subsequent Implementation of the Change of Use will constitute the delivery of 253 (or thereabouts if numbers change e.g. 251 dwellings) "New Build Dwellings" as defined in the main UU (UH 04).

G2 Granting, Implementation and occupation of any of the 253 dwellings will constitute commencement of development of a new building within the Development Area (pursuant to the planning permission within main UU).

For the avoidance of doubt this will mean that the Construction Start Date, the Commencement Date and the Development Area Commencement Date shall be deemed to have taken place.

G3 The window to submit the Councils Undertaking will be extended to [12] months after the Implementation of the Change of Use permission for the 253 dwellings

G4 Monitoring and admin fee for the s106 - £1,500

G5 Prior to Implementation of a Change of Use Permission (COUP) the extant planning obligations shall remain in force.

G6 The various quarterly returns/notifications will need to be reviewed and tied in to and added to to accommodate various changes in the variation agreement.

Transport Related

T1 The provision of the Bus Services bond in as much as it relates to the housing occupations can be relaxed to the occupation at Heyford Park of 350 dwellings,. As set out in G1 above a dwelling includes both the existing dwellings (those that are not demolished) and all replacement dwellings and also the new build dwellings. i.e. dwellings means all types of dwelling.

T2 The Bus Services payments in as it relates to the housing occupations can also be relaxed to the occupation of 350 dwellings rather than the occupation of the 50th new build dwelling.

T3 The annual payments of the £26,000 towards the existing bus service provision will need to be extended such that it continues until the major contributions (as set out in Appendix 9 of the main UU) kick in. So if the kick in of the major contributions is after September 2014 (1 year after the

proposed/actual public Transport payment No. 5 in the March 2010 agreement) the annual payments will need to continue. They shall also continue at a slightly higher level of £32,000 pa and be index linked.

T4 The Sustainable Transport Fund trigger can be relaxed to 1 year following the granting of planning permission (following the PI outcome and plus the c6 month JR period).

We have kept the apportionment of the contributions towards the education infrastructure relatively simple – ignoring for the moment the other elements such as the Early Years provision and the Special Educational needs provision. The former, in the public inquiry amounted to a £800k plus element of the overall £11M Education sum. Converted to an amount per child that equated to £9,300. According to the population forecasts for the 253 units and the proposed 108 affordable units (assuming for the sake of argument they are both assessed as you suggest, i.e. market dwellings) they would yield around 35 early years children. A composite contribution amounting to £325,500.

So if the market assessment was used I would want the Early Years factors of the overall education contributions to be brought into the equation.

The net result would be a reduction of the Education contribution from my figure of £1,829,245 to £1,759,301 (your figure of £1,434,056 plus the £325,500).

We are all said and done not fully addressing the education impacts of the proposals as we are focusing pro rata contributions on the DfE rates which be the DfE's own admission are not reflective of the costs of building new school accommodation which we envisage, for instance the considerable abnormal costs expected in delivering the new schools are not factored in to the simple cost multiplier methodology. Also the impacts upon the secondary age schools will exceed the averages used so far.

So, as regards the schools infrastructure payments I would be willing to advise my Education officers that a contribution of **£1.76M** rather than the £1.83M would be reasonable.

Regarding the point about the secondary contributions (based on the new rather the extension rate), I would be willing to recommend the inclusion of a clawback provision (for the difference) subject to the longstop being 10 years.

Finally, the travel costs. The preparedness in not calling for the bulk of the primary education contributions in accordance with the extant S106s and the fact that the likely stalling of the development will lead to the increased need to transport children to remote schools rather than catering for their needs in the new maintained primary school. In the spirit of compromise, if for the sake of argument you are using the market occupation assumption for the 108 units – 14 primary children, then applying that pro rata to the 27 in my compromise aff/mkt mix to the capitalised sum for the 5 years would result in a sum of just over £90,000.

In summary I would be willing to recommend to my Education officers: £1.76M towards infrastructure and £90k towards primary travel.

3.2 Cherwell District Council's Head of Housing Service:

Because this housing has been let under temporary consent it requires a 30% contribution for affordable housing.

The affordable housing will be provided as new build accommodation. A 108 units have been secured as this number represents 30% of the total 'new' development including the units submitted as part of this application. This will require a separate planning application to be approved and the permission on this application will not be implementable until permission is obtained.

These units are likely to be proposed in two areas of the new development and would therefore be in clusters which are larger than the Council would normally accept.

The applicant has agreed that the affordable housing will transferred to a registered provider at a cost of £12,750 per square meter which although considerably less than the initial price quoted will not enable the delivery of housing for social rent without some social housing grant being provided. The Council has also negotiated that the affordable housing contribution could be made by way of free serviced land.

Impact on current residents

Many of the current residents have lived on the site as private tenants for a number of years and a strong community has been established. In 2007 the Council's Executive agreed a lettings plan for any proposed development which gave priority for affordable housing on the site to existing residents. The agreement with the developer therefore involves a survey being undertaken with all residents. This survey will identify the mix and tenure of new housing required to best meet the needs of the current residents. Households will be assessed for priority for the initial 108 units. Those households who are prioritised for these units will remain in their current housing until the new housing is provided. Other residents will retain their priority for any new affordable housing which is developed on the wider site. The Council cannot prevent these residents being served with notice by the site owners prior to any further affordable housing being completed on the site. The developer has agreed that if it is necessary to serve notice these will be phased over a 4 year period.

3.3 The Council's Urban Design and Conservation Officer:

The existing bungalows south of Camp Road are military housing and are occupied by civilians under a series of temporary consents. Unlike the remainder of the site there is no consent issued by the appeal decision as these homes were proposed to

be demolished in the appealed master plan.

The bungalows have no architectural merit. They have some historic significance but I am not convinced that this is so great as to require them to be retained in their entirety. They are not identified in either the jointly commissioned Conservation Plan or the Conservation Area Appraisal or the SPD as of significance, nor did the Inspector comment adversely on their demolition. The retention of these buildings is a commercial preference not driven by heritage.

The adopted SPD states that the bungalows are:

not considered of any particular architectural or historic importance and therefore there is no requirement to retain them for these reasons. Furthermore, the retention of all the existing housing, due to its form and layout would make it very difficult to provide an integrated and satisfactory settlement. Redevelopment of some areas of existing housing is therefore anticipated..... Therefore, the retention of some existing housing, in addition to that at Larsen Road, Soden Road and Carswell Circle, could be considered provided it acceptably integrates into the framework of the new settlement and is served by appropriate infrastructure.

The adopted SPD also refers to possible retention of a representative sample, which I suggest could be the group to the north of the Officers' housing north of Camp Road, where the juxtaposition of housing types and age would be interesting.

Policy H2 seeks a comprehensive plan for the whole site. Although the documentation supporting the application includes a plan indicating that the consented masterplan can be delivered whilst the bungalows are retained, it would leave the whole settlement significantly short of the 1075 dwellings for which permission has been granted and we know that that is not the intention of the applicant.

I have the following concerns

- The very low density of the bungalows either requires greatly increased densities to be achieved within the boundary of the area with consent for the settlement or additional land outside the consented master plan to be developed to achieve 1075 dwellings. There is no agreement as to whether either is acceptable in principle and indeed where any extra land should be. The emerging master plan indicates around 13 hectares of additional land for development around the settlement in locations that appear to have the potential to cause harm. 13 hectares of land is equivalent to an additional 455 dwellings at a density of 35 dph. These include
 - The Rousham vista, where we have asked the visual impact be assessed, albeit winter impacts will not be able to be assessed at present
 - All along the southern edge where areas proposed as paddock on the approved masterplan are to be retained as housing
 - Along the eastern boundary where the open setting of the officers'

housing, which is always placed on the extremities of these air bases, is to be infilled.

In the light of the lack of an agreed master plan for the whole settlement I consider that it is premature to be considering the grant of any permanent consents

- The retention of so many of these bungalows has implications on the master plan which have not been resolved.
 - Firstly it is known that the highways are not adoptable. Therefore it is not known, for example, whether the public transport operators would be willing to run buses down these streets and what the position is with respect to drainage etc.
 - Secondly as each street comprises buildings of the same appearance and type strung out along the roads, the environment is monotonous and not legible, and this results in poor place making as required by PPS 1 and PPS 3.
 - Thirdly the retention of such a large number of bungalows means that this block is difficult to integrate into the masterplan, as sought by the SPD
- We will need evidence to demonstrate how these dwellings, already 40-50 years old and of solid concrete construction with inadequate insulation etc, can be brought up to present day standards of thermal insulation etc, cost effectively in order to justify the sustainability argument in the light of not making best use of land.

Departure from the approved master plan will need to be explained and justified and to demonstrate that no harm ensues. In short, my position is that, at present, we do not have information that demonstrates that no harm to either heritage assets or landscape impact will result from the retention of the bungalows. On the contrary, I believe there is the potential for harm to result. I also consider that the retention of so many bungalows adversely impacts on the legibility of the masterplan and the integration of the existing with the new and therefore that this is a reduction in quality over the approved master plan.

The application is premature in advance of an agreed master plan for the whole site. The applicant should be asked to withdraw the application and resubmit once there is an agreed master plan for the whole site against which to assess this proposal.

- 3.4 The Council's Safer Officer- No observations
- 3.5 Upper Heyford Parish Council:
Wholeheartedly support. Houses are there and residents want to remain in them
- 3.6 Middleton Stoney Parish Council: No objection
- 3.7 Steeple Aston Parish Council: No objection. Support the retention of the dwellings in line with OSP policy H2 ;support the provision of a high proportion of affordable housing; and would support their modernization, provision of supporting

infrastructure and landscaping

3.8 English Heritage:

No wish to comment in detail. No objection in principle

The dwellings are of no architectural value and limited historical value. Their retention should not threaten the loss of buildings of greater significance or the place as a whole. If the buildings are kept it is likely 400 dwellings elsewhere will need to be accommodated. This may impact on the historic nature of the base. To grant consent until a new masterplan is agreed is premature.

3.9 Oxfordshire County Council-Highways

This site is part of a wider site with extant outline permissions granted consent on appeal. With this respect certain highway aspects should tie in with the masterplanning elements of the wider picture. As proposed this does not happen. I would hope that with appropriate conditions this tie in will be satisfactory. The conversion of these dwellings to C3 must not detract from their inclusion in the wider context of the extant permission in respect of general impact and highway requirements.

Development Layout

The development layout is not changing. However it is noted that one dwelling is shown as being demolished to provide a space through for a road. This is meant to delivering the wider masterplan aim of improved links within the site and a bus route.

Bus Routes: a bus route is indicated. It is different to the wider planned route intended for the wider development proposal. The route indicated uses streets which are far too narrow. There is no proposal in the application which would indicate that this is to be addressed. Conflict with other road users is likely to occur. However I would prefer to take a holistic view and provide for the bus route which is being considered on the wider scheme.

I do not see the need to bring forward the bus service or the contribution under consideration in the wider context. However the provision of the bus route must be secured so as not to prejudice future requirements.

Parking: parking is declared at 2 spaces per dwelling. I assume that this is all within private ownership and not on street. This needs to be verified. I would expect that this would help with keeping vehicles from parking on street. However, whilst this is a higher number than ideally recommended, I am content with this sort of provision in this location.

Internal Layout: the internal layout road is not shown as extending to the limit of the application area. A revised plan is required. It should be clarified that some of the road layout is new provision. To meet the requirements of the wider internal layout this new road is essential. The width and construction of this new road is not declared within the application. More details are required in this respect.

Transport Impact

This has no traffic impact in terms of increase. The generation of the dwellings remain unchanged. I have not required a transport assessment in this case. The contribution in traffic impact terms of this site is included in the overall assessment of the wider extant permissions.

Recommendations

I have no objections to this proposal however I make the following recommendations:

Drawings 23824/001/003 and 004 must be withdrawn from the application.

The new road and dwelling demolition must be secured for the future provision of

the bus route which is part of the wider masterplan.

The provision of changes to the road structure and layout (including traffic regulation orders) of the bus route must be protected within this consent.

Revised drawings are submitted and agreed which detail all of the above as soon as possible or at least protected so as to accord with the wider masterplan.

If the planning authority view is that these requirements will be delivered by discussions and agreements under the extant outline consent then 'informatives' will suffice. Otherwise suitable conditions will be required.

Subsequently, the Planning Officer has sought clarification on a number of points and as a result the County have advised that:

The County didn't take on board those related points with regard to infrastructure and transport provision under the existing and proposed s106 agreement in responding as Highway Authority to the application -the Transport advice so far given on that application is to be considered provisional and the position is to be confirmed shortly.

A further communiqué has been received requesting financial contributions to transport, in particular, bus services.

3.10 Environment Agency:

No objections to the proposed development as submitted.

Regarding surface water flood risk we have read section 3.24 of the *Planning Support Statement*, produced by Pegasus Planning Group, dated 20 April 2010, PPG ref: CIR.D.0291. We look forward to being consulted on the proposed new masterplan and receiving the surface water drainage details associated with planning approval reference 08/00716/OUT.

3.11 Thames Water Utilities:

Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

On the basis of information provided, Thames Water would advise that with regard to water infrastructure we would not have any objection to the above planning application.

4. Relevant Planning Policies

4.1 National Planning Guidance contained in:

- PPS1-Delivering Sustainable Development
- PPS3-Housing
- PPS5-Planning for the Historic Environment
- PPS7-Sustainable Development in Rural Areas

4.2 Oxfordshire Structure Plan 2016

- Saved Policy H2-Upper Heyford

4.3 Adopted Cherwell Local Plan 1996 (ACLP)

- H5-Affordable Housing
- H18-New dwellings in the countryside
- C28-Design Policy
- C27: Historic Settlement patterns
- C30: Design of new residential development
- C23-Conservation Areas

Non Statutory Cherwell Local Plan (NSCLP)

- UH1, UH2, UH3, and UH4-Upper Heyford
- H1-Housing location
- H3-Efficient Use of Land
- H4-Housing Type
- H7-Affordable Housing
- TR11-parking
- D1/D5-Design/public realm

4.4 Draft Core Strategy-February 2010

- Heyford is identified as the major single location for growth other than Banbury and Bicester. Of course the Strategy is an emerging document that has little weight at the present time.

4.5 In addition:

- Planning Obligations Interim Planning Guidance (April 2007)
- RAF Upper Heyford Conservation Area -Designated April 2006
- RAF Upper Heyford Planning Brief (SPD adopted 5th March 2007)

5 Planning History

- 5.1 The site has a long planning history. Of particular relevance to this application is the application allowed on appeal, planning reference 08/00716/OUT.

6 Appraisal

6.1 Background

- 6.2 The former base at Heyford has had a somewhat tumultuous recent planning history culminating in the appeal decision in January of this year to grant planning permission for a new settlement of 1075 dwellings including employment and community uses, school and infrastructure. It was subject to 71 conditions and a s106 agreement to make significant provisions towards community undertakings and securing heritage interests. The masterplan approved as part of this planning permission showed the land subject of this application redeveloped for housing.

- 6.3 In the course of the appeal inquiry which lasted many months, the site was sold and the current application is submitted in the name of the new owner. They have come forward with a modified concept for developing the site which in broad terms keeps the employment uses on the flying field in line with the appeal decision, proposes a new commercial centre at the heart of the settlement and looks afresh at the

residential side of the development. As part of that re-assessment they propose to keep 253 dwellings on the south side of Camp Road, mainly bungalows but also houses. As with all such proposals there are advantages and disadvantages and these are set out below.

- 6.4 Certainly the scheme raises a number of issues but the main ones are:
- The Principle of Development and Compliance with the Development Plan
 - Impact on the Conservation Area
 - Access and Highways
 - Affordable Housing
 - Section 106 Agreement

6.5 **The Principle of Development and Compliance with the Development Plan**

6.6 The Development Plan is in a state of transition and requires a basic recital. The main thrust of the South East Plan (SEP) was to encourage sustainable development in or adjacent to urban areas. However this has now been revoked.

6.7 The Structure Plan (OSP) which had effectively been replaced by the SEP included, unusually for such a strategic document, a site specific policy for Upper Heyford. This policy, H2, was saved by the SEP and remains in place despite the revocation of the regional plan. Due to the significance of this policy and the development now proposed the policy is reproduced in full:

Upper Heyford

H2 a) Land at RAF Upper Heyford will provide for a new settlement of about 1000 dwellings and necessary supporting infrastructure, including a primary school and appropriate community, recreational and employment opportunities, as a means of enabling environmental improvements and the heritage interest of the site as a military base with Cold War associations to be conserved, compatible with achieving a satisfactory living environment.

b) Proposals for development must reflect a revised comprehensive planning brief adopted by the district council and demonstrate that the conservation of heritage resources, landscape, restoration, enhancement of biodiversity and other environmental improvements will be achieved across the whole of the former air base in association with the provision of the new settlement.

c) The new settlement should be designed to encourage walking, cycling and use of public transport rather than travel by private car. Improvements to bus and rail facilities and measures to minimise the impact of traffic generated by the development on the surrounding road network will be required.

- 6.8 The supporting text states (para 7.7):
“Land declared surplus by the Ministry of Defence at the former airbase at Upper Heyford represents an opportunity to achieve an appropriate balance between environmental improvements to a rural part of Oxfordshire, conservation of the heritage interest from the Cold War, and re-use of some existing buildings and previously developed land located in the former technical and residential core area of the base. However, the scale of development must be appropriate to the location and surroundings. The County Council is opposed to the development of a large new settlement due to the site’s relatively isolated and unsustainable rural location, the threat of urbanisation in a rural area, the location of the site in relation to Bicester with which it would compete for investment in services and facilities, and

conflict with the objectives of Government planning policy in PPG13 to provide accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel by car. Therefore, the Plan provides for modest development of about 1,000 houses. There are about 300 existing houses on the site of which some or all could be retained or demolished, but the total limit of about 1,000 dwellings will be the determining factor. This proposal has been recognised by the First Secretary of State as 'an exception to normal sustainability objectives as a means of facilitating the remediation of the former airbase to enable the site to present a more environmentally acceptable face than it does now.'*

- 6.9 Material to this application is the line that "some or all could be retained or demolished". Para 7.8 continues:
"Proposals for development must be in accordance with a revised comprehensive planning brief for the site adopted by Cherwell District Council. Care should be taken to ensure that the heritage interest of the site as an air base with Cold War associations, landscape restoration and biodiversity are all taken into account in deciding appropriate measures."
- 6.10 The adopted Local Plan is largely silent on Heyford, the non-Statutory Cherwell Local Plan 2011 reinforces OSP H2 setting out in policies UH1-UH4 a large number of conditions requiring compliance in order to seek a comprehensive approach to its development. It set out the need for a Comprehensive Development Brief (CDB) for the site and this was produced and approved as supplementary planning guidance in 2007
- 6.11 The retention of the dwellings subject of this application had never been a formal requirement although the housing that predates the development of the site by the Americans, Carswell Circle, is identified as of architectural merit and making a positive contribution to the conservation area (designated in 2006). In terms of the bungalows which form the dominant building group in this location, they are considered of "no architectural merit" and that there is no planning requirement to retain them". It is suggested a sample group could be kept "to represent occupation of the base by USAF personnel". The CDB concludes "more efficient use of the land would result from redevelopment." This assessment reflects the character analysis set out in the Conservation Area Appraisal, the whole of the base site being designated a conservation area in 2006.
- 6.12 Looking slightly further ahead, the Core Strategy identifies the site as providing 1,000 homes but is otherwise rather light with reference to the former base. It also has limited weight compared with the other Plan documents.
- 6.13 So, whilst the Planning Authority had been working towards a comprehensive package of development at Heyford in which the primary aim has been to seek a satisfactory lasting arrangement for the whole site as a means of enabling development in the form of environmental improvements and conservation of the heritage interests of the site, the bungalows in particular have been assumed to be part of the redevelopment package. This has been due, not just because they lack an aesthetic quality and have been considered to have limited enhancement value to the conservation area, but also because they provide homes of limited quality because of poor insulation and limited internal amenity standards. However a demonstration scheme by the applicants on two bungalows elsewhere on the site

has shown they can be brought up to modern standards with a modest investment and with external works to the structure to improve their appearance. Officers therefore feel that whilst their retention was not considered to constitute a “lasting arrangement” they have had to reassess the position and now accept they can be satisfactorily integrated into a larger scheme.

6.14 This leads on to a number of further points of which members should be aware centring on the masterplan for the site.

6.15 **Heyford Park Masterplan**

6.16 The Council is currently working with the developer on future schemes for the former base in terms of the masterplan approved at appeal. The retention of the bungalows runs contrary to this. The Officers therefore have been reluctant to support the current proposal in advance of a new and approved masterplan. The applicant's know this and have been employing their best endeavours to submit a fresh application encompassing a revised masterplan. It is anticipated this will be submitted at the beginning of November.

6.17 One of the implications in agreeing this application is the very low density of the bungalows requires the boundary of the proposed developable settlement area to be expanded and for parts of the site to be at a higher density than elsewhere and envisaged in the current approved masterplan. However, members will be aware of the change in national guidance of density guidelines and it is now largely in the domain of Local Authorities to agree density appropriate for the site. Members have recently had a presentation on the changes proposed to the masterplan and seen the alterations suggested by the applicant. In principle, but without prejudice to future determination of the masterplan application when received, these changes were considered not to be unacceptable.

6.18 **Impact on the Conservation Area**

6.19 The former air base was designated a Conservation Area in 2006. Clearly the housing around Carswell Circle is the most significant element of this part of the area but the bungalows themselves can also be said to be preserving and enhancing the character and appearance of the conservation area because of their historic significance, rather than any architectural quality, in line with the advice contained in PPS5, certainly in the applicant's submission it is argued their retention is seen as having a neutral impact but which will be enhanced by capital investment in the retained dwellings.

6.20 The views of English Heritage on this issue are particularly crucial and whilst they consider the application premature in advance of the masterplan they do not object.

6.21 One other factor that is material but to which Officers give little weight at present is the site is subject, in its entirety, to an application for world heritage status. At present it is with English heritage before any formal submission to UNESCO.

6.22 **Access and Highways**

6.23 In essence the proposed layout and access remains as existing with one significant change. Two bungalows are proposed to be demolished to facilitate a circular route

around the site for buses, cyclists and pedestrians. At present buses cannot penetrate the site and the route is somewhat convoluted for vehicular and non vehicular traffic. This is welcomed by the Highway Authority and the Planning Officers. More significant changes are envisaged elsewhere on Heyford Park but are not part of the considerations for this scheme and are likely to come forward when the masterplan is revised.

6.24 One stumbling block has been delays in securing agreement on contributions towards transport improvements required as part of OSP H2, the NSCLP and the CDB. This has now been agreed between the County Council and applicant with an annual sum being provided to improve bus services (£26,000) rising on completion of the 350th dwelling to £120,000. This will contribute towards improving the poor accessibility of the site in its rural location.

6.25 **Affordable Housing**

6.26 It had always been a central part of the policy to redevelop Heyford that a significant element of the proposed housing would be affordable. This was secured at appeal through a complex Unilateral Undertaking in which the retention of the bungalows was not envisaged. Considerable negotiations have taken place to seek a revised agreement and whilst the terms and conditions have not been fully agreed the principles have.

6.27 They do not include the retention of any of the bungalows as social housing. This has been resisted by the applicant who has, and in fairness in line with the Council's interim planning guidance on social housing, to provide free serviced land or built units elsewhere on the base. Location has not been agreed and would need to be subject of a separate planning application but it is likely to be a site north of Camp Road for housing and flats in the trident area. The number of units provided is based on 30% of the retained units plus factoring in the new building to give a total of 108 new build units.

6.28 One of the benefits of the proposed development is that there is a strong and vibrant community resident at Heyford. However, those residents that may be entitled to social housing will not be able to continue to reside in the bungalows. However, they will be able to continue to occupy their homes until the new build dwellings are constructed. Other residents who wish to stay in their homes and can afford to, are likely to be given the opportunity to purchase them. It is understood Dorchester Group also intend to maintain a considerable number of the currently dwellings as part of their property portfolio for rent.

6.30 **Section 106 Agreement**

6.31 In line with the Council's interim Planning guidance on Planning Obligations the applicant is required to provide:

Play areas

Existing play areas to be retained improved and secure long term. Future provision in line with the development plan and SPD. Where effected by development they should be replaced

Informal Open Space

Retain and secure long term management of existing Provision for further development in line with the development plan and SPD

Sports Pitches

Existing sports pitches to be made available for use. Additional pitch to be provided unless otherwise agreed

Indoor Sports

Contribution of £65,200, payment on occupation of 50th new dwelling

Nursery

Existing nursery to be retained or marketed. Market if not provided

Shop

Retain or market. Market if not provided

Bins

Financial contribution of £60 per new dwelling

Community Hall

To be retained

Public Art

Contribution of £25,000 for the new build

Security Fence

To be removed and a scheme of boundary treatment to be agreed.

Monitoring Sum

A sum of £2,000 to be paid on commencement of development. A sum of £5,000 to be paid on commencement of development of the new build

On affordable housing Committee should be advised:

The retention of the dwellings requiring the 30% social housing provision leads to the requirement for new build which also require 30% social housing and gives us 108 new build dwellings. These will require a contribution of their own as set out above.

The social housing provision is agreed to be either £1,275 per metre (+ Build index) or free serviced land (FSL).

We have not formally identified the land for the social housing development. We do not have an agreed density or mix of housing types or tenure (this is to be subject of a survey of residents to find out their need). Following on from this we do not have the size of land to be agreed. There is of course no detailed approval of any scheme

7 Conclusion

- 7.1 The application is recommended for approval subject to conditions as and a s106 agreement. Members should be aware however that negotiations on the legal agreement have become very protracted and the Officers cannot deny they fear it may prove difficult to enforce some of the terms as currently drafted. Legal advice is

still being exchanged and any further progress on these discussions will be reported orally at Committee.

6. Recommendation

Approval subject to:

- (i) the conditions set out below and
- (ii) the applicant entering into a section 106 agreement with the District and County Council as outlined above

Conditions:

- 1 That 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 None of the dwellings that form part of this permission shall be occupied under the terms of this permission until the two bungalows 5 and 7 Portal Drive South have been demolished. Written notice shall be given to the Council seven days in advance of their demolition

REASON: To ensure that the premature demolition of the buildings does not take place to the detriment of the special character and appearance of the Conservation Area and in advance of an agreed scheme for the circular access route in order to comply with the Structure Plan policy H2, the non Statutory Cherwell Local Plan 2011 policy UH1 and the government advice contained in PPS5 and PPS13.

- 3 Neither 5 nor 7 Portal Drive South shall be demolished until a scheme has been submitted to and approved by the Local Planning Authority for the laying out of a new circular access route around the estate and a legally binding contract for the carrying out of the works is made and evidence of the contract has been produced to and agreed in writing by the Local Planning Authority, or in the absence of such a contract an alternative confirmation of commencement of the development has been submitted to and agreed in writing by the Local Planning Authority.

REASON: To ensure that the premature demolition of the buildings does not take place to the detriment of the special character and appearance of the Conservation Area and in advance of an agreed scheme for the circular access route in order to comply with the Structure Plan policy H2, the non Statutory Cherwell Local Plan 2011 policy UH1 and the government advice contained in PPS5 and PPS13.

- 4 That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- (c) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.

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.

- 5 That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; 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.

- 6 The existing open space and play areas shall be retained, maintained and made available to the public at all reasonable hours.

Reason - To ensure that provision is maintained for recreational facilities to serve the residents of the site and to comply with Policy R12 of the adopted Cherwell Local Plan.

SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, Government advice contained within PPS5, in accordance the Revised Comprehensive Planning Brief, the development plan and other material considerations. The development is considered to be acceptable on its merits as the proposal preserves the character and appearance of the Conservation Area. The development is considered to be acceptable on its planning merits as the proposal will enable the existing residents to remain on the site in a lasting arrangement. As such the proposal is in accordance with Policy H2 of the Oxfordshire Structure Plan 2016 and UH1 of the Non Statutory Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the

application should be approved and planning permission granted subject to appropriate conditions, as set out above.

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