

<b>Application No:</b> 10/01642/OUT	<b>Ward:</b> The Astons and Heyfords	<b>Date Valid:</b> 27.10.2010
<b>Applicant:</b>	Dorchester Heyford Park Group Ltd	
<b>Site Address:</b>	Heyford Park, Camp Road, Upper Heyford	
<b>Proposal:</b>	Outline - 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	

<b>1. Site Description and Proposal</b>	
1.1	The application site for this proposal is part of the former RAF/USAF Upper Heyford base. It is identified on the appended site plan and measures approximately 76.3 hectares in size, the Heyford base being approximately 505 hectares in total.
1.2	The base was designated a conservation area in 2006, its primary architectural and social historic interest being its role during the Cold War. The nature of the site is defined by the historic landscape character of the distinct zones within the base. The designation also acknowledges the special architectural interest, and as a conservation area, the character of which it is desirable to preserve or enhance and provides the context and framework to ensure the setting and appearance of sections of the Cold War landscape are preserved. This application covers the Technical and Residential Areas, including the Service and Recreational Zone, as defined within the Conservation appraisal.
1.3	<p>In the appraisal, the character of the Technical Area is described as:</p> <p style="padding-left: 40px;">“... characterised by the ‘campus’ layout of deliberately sited, mix function buildings, in an open setting with organised tree planting. The variation in building type is both a function of their differing use and the fact that there has been continual construction within the site as part of the different phases of development within the airbase. The setting of the 1930s aircraft hangers in an arc on the northern edge of the site provides a visual and physical edge to the site. The access to the Technical Site is dominated by Guardroom (<b>100</b>) and Station Office (<b>52</b>). To the east of these is the impressive 1920s Officers’ Mess(<b>74</b>) set within its own lawns. The style of these 1920s, red brick, RAF buildings is British Military.”</p> <p>The Residential area is broken up into various sub zones. North of Camp Road are the RAF Officer’s Married Area (Category 10A) and the Airmen’s Housing and Bungalows (Category 10C). And to the South of Camp Road</p>

another area of Airmen's Housing and Bungalows (Category 10C) and the RAF Domestic and Residential Section (Category 10B).

They are described in the appraisal as:

“10A Original RAF Officers' Residential Section-The area is characterised by the 1920s red brick buildings, in a 'leafy suburb' setting of grass and organised tree planting. The low-density setting of the original buildings is perpetuated in the buildings built adjacent in the 1950s.

10C Airmen's Housing and Bungalows- To the east of the Parade Ground is Carswell Circle (datestone 1925) short terraces of garden city style rendered buildings located originally in an open setting. The later southern second circle is a marriage of an open setting with the prevailing house design styles of the 1940s-50s. Red brick, estate house, smaller cousins to the officers' housing built on Larsen Road. There are a number of areas covered in the prefabricated bungalows; south of Camp Road and north of Larsen Road. There is a perfunctory attempt at landscaping, but the monotony of repeated structures is unrelenting. The bungalows themselves are functional but have no architectural merit.

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

Also within the application site is a small area (Category 10E), School and Other Prefabricated Buildings which consists of a limited group of prefabricated buildings to the east of the 1920s parade ground. (The school is in another area west of the application site).

A final category is the Service and Recreational Area (Category 10D) to the south of Camp Road and west of the residential area. It is described as:

“10D Service & Recreational Area-This area, located south of

	<p>Camp Road west of the housing area, is very open in contrast to the areas either side. There is a limited number of service buildings spread across this area. The buildings are modern prefabricated structures in the rather dull utilitarian municipal style of the 1970s, now much reviled. Whilst the buildings maybe considered functional, they lack architectural merit. These buildings are interspersed with recreational sporting facilities and areas of parking. The layout of this area has no coherence.”</p>
1.4	<p>Only two buildings within the application site are statutorily protected. They are buildings 126 and 129, the Battle Commend Centre and the Hardened Telephone Exchange; both are located in the Technical Area and are Scheduled Ancient Monuments.</p> <p>However, there are several buildings also within the application site that make a positive contribution to the Conservation Area including in the Technical Area:</p> <ul style="list-style-type: none"> <li>i. Station Offices and Operations Block (Building 52)</li> <li>ii. Guardhouse (Building 100)</li> <li>iii. Officer’s mess and single officer’s quarters (Building 47)</li> <li>iv. Station Armoury Building (Building 125)</li> <li>v. Type A Aircraft hangars (Buildings 127, 320, 345, 350, 151 and 315)</li> <li>vi. Fire hydrants and other aspects of “little America” remaining.</li> </ul> <p>And in the residential area:</p> <ul style="list-style-type: none"> <li>i. The Institute (Building 255)</li> <li>ii. Sergeant’s mess (Building 455)</li> <li>iii. Dining Room and Cookhouse (Building 474)</li> <li>iv. Dining room and Institute (Building 488)</li> <li>v. Single sergeant’s quarters (Building 459)</li> <li>vi. Barracks type C (Buildings 450, 480, 483, 471 and 466)</li> <li>vii. Barrack type B (Building 485)</li> <li>viii. Carswell Circle ( Buildings 530—534, 535—540, 544, 545 &amp; 546)</li> <li>ix. Officers housing (Buildings 1-11&amp;19).</li> </ul>
1.5	<p>The site has a number of mature trees, both individually and in groups, particularly north of Camp Road in the Trident and Officer’s Married Area, and south of Camp Road in Carswell Circle. These were planted largely during the RAF occupation. During the USAF period more screen-planting was undertaken particularly to the south and west of the base.</p>
1.6	<p>In terms of the uses on site, its military use ceased in 1994. Since 1998 it has effectively functioned as a self contained settlement under the ownership</p>

	<p>first of the North Oxfordshire Consortium and for the last two years by the current applicants, the Dorchester Group. In that period the base has created approximately 1,000 jobs and homes for around 750 residents.</p>
1.7	<p>Commercial uses are spread across the flying field but within the technical area there are also a number of established businesses undertaking a wide range of operations. The major A type aircraft hangers are used for general industrial and storage, primarily for car processing, but other buildings contain more modern high tech offices with research and development. There are also a wide range of workshops in some of the smaller premises.</p>
1.8	<p>South of Camp Road is a retail store and a number of community buildings including church, play group and community centre. These are surrounded by residential dwellings. 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 last year (ref 09/01254/F). The temporary permission also covers the community buildings. This permission does not expire until March 2015.</p>
1.9	<p>The current application is seeking outline permission for new buildings and development together with changes of use on certain buildings, with the broad details being set out in a series of parameter plans. This form of hybrid application is unusual in a conservation area but again reflects the nature of the previous submission (allowed on appeal-see planning history below) in seeking to create a new settlement of up to 1075 dwellings with associated infrastructure.</p>
1.10	<p>In addition to the parameter plans, the application is supported by a number of documents including a Planning Statement, a Statement of Community Involvement, draft Heads of Terms for a S106 Agreement, Sustainability Statement, Tree Survey, Design and Access Statement (D&amp;A) and an Environmental Assessment (EA). The D&amp;A sets out the vision for Heyford Park and principles behind the proposed masterplan. The EA assess the environmental impact of the development under construction and when complete. Where there is potential for adverse impact the EA considers and advises on mitigation measures. It covers in some detail planning policy, noise, air quality, ground conditions and contamination, water resources, landscape and visual character, archaeology and cultural heritage, ecology, socioeconomics and the overall cumulative impact of the proposed development. The report appears to be comprehensive and its conclusions appropriate.</p>
1.11	<p>The flying field is not part of this application and the uses and development permitted upon it at the appeal are to be implemented by the applicants under the appeal permission. The differences between the two applications will be set out in the appraisal but the main reason for the fresh application</p>

	<p>arises from the desire of the applicant to retain more buildings on site. As a result, a new masterplan has been drawn up which, whilst similar to the one considered at appeal, has been modified. The most significant changes are a new area of open space centred on the parade ground, the retention of a large number of dwellings including 253 bungalows, and more of the heritage buildings, the demolition of which was previously consented. The retention of these buildings at their existing low density has meant the masterplan has expanded the development area west on to the sports field.</p>
1.12	<p>The Council has received some criticism for not fully describing the application (see Application Publicity below). However the format of the application and description of the proposed development is also reflective of that approved at appeal. The purpose of the parameter plans submitted with the application is to lay down some of the details, for example on uses and building heights. For the avoidance of doubt, the actual details of the application are also set out in the supporting planning statement submitted as part of the application and which is reproduced in full below:</p> <p>The proposed development within the New Settlement Area now includes the following uses:-</p> <p>1) Class C3 (residential dwelling houses): up to 1,075 dwellings (including the retention and change of use of the majority of existing military housing and the change of use of various buildings), comprising:</p> <ul style="list-style-type: none"> <li>a) 46 existing dwellings already benefiting from a Certificate of Lawful Use or Development for Class C3;</li> <li>b) change of use of 253 dwellings to Class C3 (already subject to planning application 10/00640/F);</li> <li>c) change of use of 12 dwellings along Dacey Drive to Class C3;</li> <li>d) change of use of 2 dwellings along Dow Street to Class C3;</li> <li>e) erection of 764 new dwellings;</li> <li>f) demolition of 2 existing dwellings, no.'s 5 and 7 Portal Drive South; and</li> <li>g) change of use of Building 485 to Class C3</li> </ul> <p>2) Class D1 (non residential institutions): change of use of various buildings to provide up to 5,820 sq.m of floorspace, comprising change of use of:-</p> <ul style="list-style-type: none"> <li>(a) Building 549: 580 sq.m</li> <li>(b) Building 572: 680 sq.m</li> <li>(c) Building 126: 869 sq.m</li> <li>(d) Building 129: 241 sq.m</li> <li>(e) Building 315: 3,100 sq.m</li> </ul> <p>And erection of up to 350sq.m of new build Class D1 floorspace for a crèche</p> <p>3) a Change of Use of Building 74 (4,020 sq.m) to a Class C1/C2 use  3) b Change of Use of Building 41 (1,662 sq.m) to a Class C1 use</p> <p>4) Class A1 provision of up to 1,400 sq.m of floorspace, comprising of new build.</p>

5) Class A3-A5 provision of up to 1,713 sq.m of floorspace in total, comprising :-

- (a) Building 455: 1,177 sq.m
- (b) Building 457: 224 sq.m
- (c) Building 103: 312 sq.m)

6) Provision of 1 no. Primary School on 2.2 hectares.

7) Class B1 provision of up to 5,821 sq.m of floorspace in total, comprising:-

- (a) change of use of Building 100: 557 sq.m
- (b) change of use of Building 125: 897 sq.m
- (c) change of use of Building 123: 1,847 sq.m
- (d) change of use of Building 488 up to 1,500 sq.m
- (c ) erection of new build up to 1,020 sq.m

8) Mixed Class B2/B8 provision of up to 20,833 sq.m of floorspace in total, comprising change of use of :-

- (a) Building 80: 2,198 sq.m
- (b) Building 151: 3,100 sq.m
- (c) Building 172: 5,135 sq.m
- (d) Building 320: 3,600 sq.m
- (e) Building 345: 3,600 sq.m
- (f) Building 350: 3,200 sq.m

9) Class B8 provision of up to 50 sq.m. involving change of Use of Building 158.

10) Change of Use of Structure 89a (10 sq.m) to a petrol pump station (sui generis use).

11) Provision of playing pitches and courts, sports pavilion plus incidental open space including NEAPS and LEAPS.

12) Provision of all infrastructure to serve the above development including the provision of the requisite access roads and car parking to District Council standards.

13) Removal of boundary fence to the south of Camp Road and partial removal of the fence to the north of Camp Road.

14) Removal of buildings and structures within New Settlement Area as detailed in separate schedule;

15) Landscaping alterations including the removal of identified trees within the Conservation Area (see separate schedule) and planting of new trees and off-site hedgerows and access track.

1.13	<p>Committee's attention is drawn to:</p> <ul style="list-style-type: none"> <li>• The large number of dwellings now retained with only 764 proposed as new build</li> <li>• The provision of a primary school and crèche (as previously approved)</li> <li>• A new commercial centre (Class A uses) of over 3,000 sq m.</li> <li>• Employment floor space of <ul style="list-style-type: none"> <li>○ 5,821 sq m (Class B1) (1,020 sq m new build)</li> <li>○ 20,833 sq m (Class B2/B8)</li> </ul> </li> <li>• 5,8820 sq m of non residential floorspace including heritage centre (as previously approved)</li> <li>• And a larger number of heritage buildings retained</li> </ul>
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<b>2. Application Publicity</b>	
2.1	The application was advertised in the press and by site notice. It was clear for determination on 26 <sup>th</sup> January 2011.
2.2	<p>In addition, it is understood the applicants also consulted their tenants and over 90 standard letters have been received from residents (not all signed or addressed) in support of the application.</p> <p>Individual letters have been received from:</p>
2.3	<p><u>21 Hatch Way, Kirtlington</u></p> <p>If this application is approved it should be on the basis that appropriate measures are taken to protect, conserve and where possible enhance biodiversity. Ponds for wildlife, green spaces, native hedges, small tree plantations and green roofs should all be incorporated.</p>
2.4	<p><u>Team Rector for Cherwell Valley Benefice</u></p> <p>The Church of England have for some 8 years used the Chapel (Building 572) as a centre for their work in the community. The present Chapel has already established itself in the community and serves the purposes well however, there are aspects of the building that need attention and repair. It is requested that its future is secured as the place of worship in the community by treating the Chapel (Building 572) in the same way as the Community Centre and including its refurbishment and transfer to the Diocese of Oxford as part of a 106 agreement</p>
2.5	<p><u>The Oxford Trust for Contemporary History</u> (3 letters summarised and grouped into subheadings):</p>

The Oxford Trust for Contemporary History say they have been involved in the process of finding a lasting arrangement for this disused airfield since consultations started in 1995.

#### Process

- In the submission of this new outline application, the new owners have made their position clear that the existing permission will not be implemented
- It is appropriate if not necessary for CDC to consider apparent failings in the 2010 appeal decision
- The 2010 appeal decision exposed the problems which had been created by the adoption of the Revised Comprehensive Planning Brief required by the Structure Plan without adequate consultation (the subject of criticism by the applicants) or having carried out any of the feasibility studies in respect of the heritage recommended to them by the Examining Panel.
- The fresh application(s) provides the opportunity to negotiate an improved scheme for the public access to and appreciation of the best preserved Cold War remains in the Country and to control the commercial uses (e.g. the routing of traffic movements across the site) in a manner fitting to a holocaust site.
- This application represents an opportunity to make good the absence of feasibility studies which are necessary to the evidence base to enable the proper consideration of any proposals which would affect the best preserved Cold War landscape, including some of its most important elements (e.g. Battle Command Centre) and the putative heritage centre (and management plan).
- The description of development does not describe all uses, heritage buildings omitted. No mention of heritage centre (Class D2) (sic)
- The LPA should consider whether the proposals being made for residential and commercial development can be justified in the absence of a planning obligation which accords with and goes towards achieving the purposes set out in OSPH2 or, even if it is no longer a relevant policy, the benefits described in it. Whilst a permission granted on appeal can represent a fall-back position, the applicants have no intention of carrying out the comprehensive redevelopment which was approved and this application itself is an indication that an entirely different approach is now to be taken. There are a number of pressing needs for funds to enable the conservation of the Cold War heritage, not least to secure public access to the site (however 'inconvenient') and the appointment of a curator and

education officer.

#### Policy

- The redevelopment of the site in an unsustainable location would normally be resisted (the first test in the case of *Young v Oxford City Council*) and has only been supported by the local planning authorities and the Secretary of State to enable the interest in the Cold War heritage to be conserved (the second limb in *Young*)
- The position in respect of 'development plan policy' seems to be confused. Although the applicants and CDC appear to believe that OSPH2 still carries weight as development plan policy in deciding the application in accordance with s38(6) this might not be the case now that RSSs have been reinstated following the judgment in *Cala Homes v Secretary of State*. If that is the case then CDC need to consider the proposals as enabling development following the principles in *Young*
- Weight to be afforded the Structure Plan is unclear
- The application requires amending in order to explain the policy context in which it will be considered and determined post *Cala Homes* and should be expanded to include the relevant European Conventions and to ensure that proposals and assessments of all impacts are being made appropriate to its international importance and status as a site nominated for designation as a World Heritage Site.

#### Heritage

- The impact on the Cold War heritage should be considered as if the site was a World Heritage Site. The international importance of this site should not be understated and is being misrepresented in the current application.
- CDC is aware that the site has been nominated for inclusion on the tentative list for designation as a World Heritage Site.  
Notwithstanding what the officers said in supporting the change of use of the military housing, the Council is now being asked by the applicants to consider the current application on the basis that impacts on a nominated site should be evaluated in the same way as if the site was a WHS
- It is accepted that new housing to the north of Camp Road has been accepted by the Secretary of State. This does not make this a good idea and the proposed pocket of housing clearly intrudes into the Cold War landscape which is the basis for the World Heritage Site nomination.

	<ul style="list-style-type: none"> <li>• Any approval of development on this site must limit the harm being done to the historic environment (e.g. traffic management and limiting demolition) and to secure the access to and interpretation of the historic asset.</li> <li>• Permissions have been granted for dwellings and car storage without requiring any financial contributions, notwithstanding the harmful impact on the heritage site</li> <li>• CDC should require all military infrastructure to be retained, including the water towers which draw attention to the existence of this site of international importance.</li> <li>• Submissions should be requested of the applicant who could confirm that more attention should now be given to the significance of the context of changes to the historic environment and to community involvement under PPS5</li> <li>• It must be a condition of any new permission that public access be permitted without the wait for the heritage centre to be completed.</li> <li>• When the international importance of the Cold War landscape is properly acknowledged as part of the application the effect of relevant European Conventions will need to be considered</li> </ul> <p>Consultation</p> <ul style="list-style-type: none"> <li>• As OTCH were a main party at the appeal they should have been more involved by the applicants at the pre application stage</li> <li>• For the record we believe that meaningful consultation must involve more than just becoming aware of what is proposed and being able to make written representations. We need to know the thinking behind what is being proposed before being able to make constructive suggestions and valid criticism which could genuinely be taken into account by the applicants. As it stands the applicants have not made any attempt to comply with the formal Scoping Opinion issued by the Council.</li> </ul>
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3. Consultations	
3.1	<u>Kirtlington Parish Council-</u> The Parish Council has no objection to this application. It has always been concerned about the potential increase in traffic this settlement will bring.
3.2	<u>Ardley with Fewcott Parish Council-</u> Whilst all Councillors have no objections - we would like to remind CDC and the applicant - that the previous

	<p>application - by N.O.C. promised traffic calming in Ardley -will the Dorchester Group honour this arrangement - we do have copies where this calming was proposed.</p>
3.3	<p><u>Fritwell Parish Council</u>-No objection</p>
3.4	<p><u>Middleton Stoney Parish Council</u>- The number of houses (1075) should accord with the Structure plan and CDC Local Plan</p>
3.5	<p><u>Head of Planning Policy and Economic Development, Cherwell DC</u></p> <p>Consideration needs to be given to whether there has been a change in circumstances between this application and the last. The Draft Core Strategy acknowledges the previous permission granted for this site.</p> <p>It is advised that regard should be given to all relevant policies from the South East Plan in considering this application having regard as appropriate to the content of the Secretary of State's letter of 27 May and his Chief Planner's letter of 10 November.</p> <p>A review of housing land supply was undertaken for the 2010 Annual Monitoring Report (AMR) which was approved by the Executive on 1 November 2010 for submission to the Secretary of State. The AMR shows that that the supply of deliverable sites for the period 2010 to 2015 is now calculated as 5.1 years, rising to 5.9 years for the period 2011 to 2016. Former RAF Upper Heyford is included as a deliverable site in the district's housing supply in view of it being a suitable, available and achievable site. The site is allocated for enabling development under saved policy H2 of the former Oxfordshire Structure Plan 2016; a policy that was not replaced by the South East Plan upon publication in May 2009 (see SEP, p.288). It also has the benefit of planning permission as granted by the Secretary of State on 11 January 2010. The inclusion of the site in the district's housing land supply does not in itself carry any weight. Nevertheless, if the site was ultimately shown not to be deliverable, then it would need to be removed from the district's 5 year land supply.</p> <p>There are many commitments within the Sustainability Statement that are supported including the construction of non residential development to BREEAM 'very good' standard. The promotion of the 'energy hierarchy' is to be encouraged and accords with emerging local policy in the Draft Core Strategy. However, other aims of the Draft Core Strategy could be better reflected through commitments to sustainable construction (in all elements – not only carbon emissions) through the use of the Code for Sustainable Homes ahead of the national timetable, and clearer proposals for renewable</p>

	<p>energy provision.</p> <p><i>Overall Conclusions</i></p> <p>Having regard to the above, there is no planning policy objection to this proposal.</p>
3.6	<p><u>Cherwell District Council's Head of Housing Service:</u></p> <p>it requires a 30% contribution for affordable housing.</p> <p>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.</p>
3.7	<p><u>Conservation and Urban Design Officer, Cherwell DC</u></p> <p>This outline application differs from that approved following the Inquiry in these main respects:</p> <ul style="list-style-type: none"> <li>• The redesign of the area around the parade ground, including the retention of more buildings</li> <li>• The retention of all the bungalows south of Camp Road (now with a resolution to approve) and the resultant extension of the settlement area to the west to take account of the low density of the bungalows</li> <li>• The treatment of Camp Road</li> <li>• The redesign of the local centre</li> <li>• The redesign of the Trident area.</li> <li>• Additional dwellings to the east of Larsen Road along the eastern boundary (NB-these have subsequently been removed from the scheme.)</li> </ul>

Of these the redesign of the area around the parade ground is an improvement over the approved scheme in that the original dimensions of the historic space are retained and also more of the key buildings fronting it

The extension of the settlement area west:

- Development of the extended area and the gym should be possible without being visible within the Rousham vista. Visual impact work has been submitted with this application and this appears to demonstrate that the visual impact of the additional proposed housing on this sensitive vista is minimal. On balance benefit is gained from the demolition of the water towers and the gym. Should the gym be proposed for retention as part of a separate proposal detailed visual, landscape and heritage impact work will be required at that stage.
- The minimal set back from Camp Road for part of this area and subsequent lack of roadside vegetation reflecting the existing character of Camp Road is an acceptable change. The layout on the south side has been pulled back from Camp Road.
- Other than this the additional housing does not create a significant change from the accepted development principles in terms of landscape or visual impact. More could be done to mitigate the effects that are created. Additional planting should be sought along the western and southern boundaries.

The treatment of Camp Road:

The Conservation Plan describes Camp Road as *an abrupt contrast with the rural sections approaching it. The signs, traffic calming, regularly cut hedge and a mixture of security gates, safety barriers, fencing and street lighting give it an urban quality. .... The urban quality is partly mitigated, at least in summer, but on the south side of the road in particular there are frequent glimpses of a very wide range of materials, colours, building forms and states of repair.*

Camp Road currently has a divisive effect separating, as it was designed to do, the technical site from the domestic site:

- its alignment is very straight
- building lines are set well back behind mature vegetation.
- there is no direct access to buildings or plots
- the traffic calming at the eastern and western ends is ineffective.

There is an inherent tension between the retention of the existing military character and ensuring that the road integrates well into what is to be a residential environment and that traffic speeds are low and pedestrian movement across it is safe.

The aspiration of the application is to

- retain the linearity of Camp Road yet change the emphasis to promote greater north – south connectivity (page 49 of the DAS)
- redesign Camp Road to provide a pedestrian dominant environment (page 52 of the DAS).

The DAS sets out

- Build outs with single direction priority
- Links across improved
- Gated access points removed
- Pedestrian priority through roundabouts replaced with managed junctions
- traffic calming at 60m intervals with the central section to have a design speed of 20mph and the outer sections a design speed of 30 mph.

It is preferred to have the through route diverted north or south, preferably north along the southern arm of the Trenchard Trident, in the centre of the settlement. In my opinion the Camp Road characteristic straightness can be retained visually and functionally as a footpath cycle way or green modes route, whilst through traffic is required to deviate and this would be far preferable. I also have concerns about the lack of critical mass achieved at the local centre and difficulties with access, parking and servicing commercial units which this approach would also better address.

#### The redesign of the local centre

The approved masterplan showed retail, community, nursery and primary school facilities focussing on a pedestrian spine linking two new public spaces and shared parking. This was felt to be a particularly successful aspect of the scheme. The proposed layout has retail, PH / restaurant, community and primary school facilities dispersed either side of Camp Road and also either side of a further road south of Camp Road. It seems that the concept of the traffic free “village green / cricket square” has been advanced at the expense of the local centre.

As previously advised during pre-application discussions, I do not consider that this approach creates a critical mass that will be either functionally or commercially attractive because:

- The location of the uses is too dispersed
- The orientation of one retail unit appears to be away from Camp Road northwards
- The orientation of the other retail units appears to be away from Camp Road south wards
- The parking is not centrally convenient for all uses to encourage joint trips

- The place of worship and community centre are distant from the rest of the centre, face away from other uses, are accessed from the opposite side and are separated by housing
- There are two roads that run between the uses further separating the coherence and functionality of the centre.

To be successful, uses need to be grouped closer together, accessed from the same (ideally pedestrian priority) area, with adequate and grouped parking to create a critical mass. Routing through traffic to the north and retaining this central section of Camp Road as a green modes only route through a central park would assist with linking the uses together albeit that more changes to the location and orientation of buildings will be needed to make this work well.

#### The redesign of the Trident area

The design of this area was the subject of much debate during the preparation of the previous application and during the appeal. The Trident layout of four routes radiating out from the gatehouse entrance to the arc of A type hangars and linked by a route around the circumference is a defining characteristic of Sir Hugh Trenchard's principle of dispersal. It remains clear here and the avenues of trees reinforce the road pattern and the campus character with buildings set within grass and car parking. The CAA describes the special character of this area as:

*Organised campus layout..... with deliberately sited, low density buildings, grassland and organised tree planting..... still retains the attribute of being at the hub of the airbase. Despite the infill buildings, something of the organised campus origin of the area remains, overlaid by the successive accretions such as the addition of the standard USA style fire hydrants. Tall buildings, whilst evident, do not over dominate the site; an effect achieved by the spacing of buildings, the tree planting and the distribution and variety of building types.*

In terms of scale, the height plan on page 54 of the DAS indicates that buildings in the Trident area will be "up to 3 storey buildings" and the text at para 6.5.4 (albeit with the incorrect illustration) states that the buildings will be 3 storey and some will be stepped down to 2 storey but it is not clear which. The section on page 149 of the DAS suggests that quite an enclosed feel will be created, quite contrary to the established character. More details are required on heights of buildings to assess impact on the SAM's. In terms of the layout, the supremacy of the trident roads is undermined by the amount of car parking; the avenue planting is not enhanced; the pedestrian routes through the area are confused; the building footprints neither relate to the surroundings, nor each other, nor the road layout. Some smaller

buildings are included within and adjacent to car parking and it is not clear what these buildings are for. If they are bin or bike stores they are very prominently located. The concentration of flats in the trident area, particularly with floor plans that appear to indicate flats accessed from an internal corridor rather than external door, enables the continuation of the campus environment with pavilion buildings. However, we need to be sure that these comprise a mix of social and market dwellings and that to meet Lifetime Homes standards that they have access to some private shared outside space. At present the outdoor space is dominated by car parking, with landscaped areas being restricted to the immediate setting of the dwelling which does not provide shared private amenity space. A revised layout that, for example, emphasises the trident arms with 90 degree parking and reinforcement of the avenue planting could leave the landscaped area between the buildings as shared private amenity space and would be far more preferable. In terms of appearance, very little information is given in the DAS on the proposed appearance of the development in this sensitive area:

Other comments:

- The proposed re-use of the officers' mess for an older persons home appears appropriate, however it would be good if some of the function rooms could be open to use by non residents.
- Care needs to be taken with the road breaking through the trees and play area north of Larsen Road that neither the tree routes nor the amenity of the green space is harmed.
- The proposed play area in the extreme NW of this housing area adjacent to paragon is poorly sited, as previously advised, with poor surveillance, accessibility and amenity.
- The aspect of the westerly facing housing here will be poor and details of the landscape treatment along this edge should be sought to ensure amenity is adequate.
- There is reference to a pavilion being provided in the vicinity of the "village green / cricket pitch", possibly building 457. I am concerned that the aspiration for the cricket pitch is being pursued at the expense of the normal sports pitch provision. Is the provision adequate and where are the changing facilities and parking associated with the football pitch?
- The proposal to locate a NEAP here seems at odds with the provision of a cricket pitch and I cannot see it on the illustration on page 105 of the DAS.
- There is reference to the current nursery being relocated but I do not see its location identified on the land use plan. There is reference to a nursery as part of the primary school provision but this will be the Early Years state provision not a private facility.
- There is reference to the provision of a free bike hire at the bus stop

	<p>for workers on the flying field and I imagine that this will need a significant area but I cannot see it on the master plan.</p> <ul style="list-style-type: none"> <li>• It would also be appropriate to identify the location of recycling facilities in the local centre as the space these take up, together with the amenity of the immediate area and the need for refuse truck access will influence the layout.</li> <li>• I question the quality of the residential environment between the 2 A type hangars. The approved master plan indicated this as employment.</li> <li>• It is not clear whether the orientation of the new buildings has been designed to maximise solar gain, and this is a matter than could contribute to achieving the appropriate Code level.</li> <li>• Links to Lower Heyford Station are referred to and I assume that this will involve the provision of a footpath along the Upper Heyford to Lower Heyford Road where none exists at present.</li> <li>• The sustainability appraisal makes claims about the housing design, such as the provision of live-work units. However the layout does not appear to reflect this, other than possibly use of spare bedrooms as offices.</li> <li>• The requirements for the DAS at outline stage for upper and lower parameters of height, width and depth of EACH building have not been complied with for the non residential units as only the plot areas are given.</li> <li>• The Street Hierarchy plan in the DAS doesn't seem to match with the text.</li> <li>• I note that the Trident area and the bungalow area roads are to be unadopted.</li> </ul>
3.8	<p><u>Ecology Officer, Cherwell District Council</u></p> <p>The surveys and biodiversity reports submitted are sufficient in scope and depth to date however further surveys will be needed for bats in order to inform the full mitigation scheme. All mature trees to be felled will also need to be checked for bat roosts.</p> <p>The suggestions for mitigation for protected species and habitats and species of importance in Chapter 12 of the ES report are broadly appropriate and a full mitigation plan for those protected species identified will need to be drawn up from these with proposed timings, ongoing monitoring and management so the adequacy of the mitigatory measures for maintaining favourable conservation status for these species can be assessed.</p> <p>A management and monitoring plan for all green spaces on site will also be needed along with planting schemes. I would like to see some of the 'natural' green spaces proposed to be managed principally for wildlife with some areas or corridors of more restricted access in terms of recreation/dogwalking etc.</p>

	<p>The suggestions for enhancements beyond mitigation measures should be beneficial for wildlife however I would like to see inclusion of more enhancements for wildlife within the built environment itself on site for example the use of swift bricks within public buildings, bat bricks and access points, bird boxes on buildings (as well as on trees as outlined) green roofs etc to ensure an overall net biodiversity gain in line with PPS9.</p>
3.9	<p><u>Landscape Architect, Cherwell District Council</u></p> <p>I have read the Design and Access Statement and concur with the visual appraisal and landscape mitigation measures proposed.</p> <p><u>Sports Pitches</u></p> <p>In reference to Illustrative Masterplan 14272.01.TP.411.031 Rev K</p> <ul style="list-style-type: none"> <li>• Prefer some of the sports pitches to be reorientated</li> <li>• Unsure that all sports pitches meet national standard sizes, cricket pitch possibly too oval</li> <li>• Some trees lost for the pitches</li> <li>• A second NEAP is required and additional LAP's</li> </ul>
3.10	<p><u>Waste and Recycling Manager, Cherwell District Council-</u></p> <p>Please ensure the Waste Collection guidance on the website is adhered</p>
3.11	<p><u>The Council's Safety Officer-</u> No observations</p>
3.12	<p><u>Oxfordshire County Council-Strategic Planning Views</u></p> <p>Structure Plan Policy H2 requires that the development be in accordance with a revised comprehensive planning brief adopted by Cherwell DC; that brief was adopted in March 2007. Cherwell District Council remains best placed to determine the merits of refurbishing homes as opposed to building new ones. However, they need to ensure that, should permission be given for this application, the infrastructure requirements for the whole of the airfield site could still be delivered and that the planning conditions relating to the whole of the airfield site would remain enforceable.</p> <p>The infrastructure requirements of the proposed residential development are substantially the same as the extant permission. Those requirements include the provision of an on-site primary school. However the suggested inclusion of an "either / or" option for a proposed Free School gives cause for concern. The applicants are pursuing the free school proposal with the DfE, at the same time as providing the infrastructure payments to OCC. If a s106</p>

	<p>agreement is agreed on the lines suggested by the applicant and required school places are provided through the free school route, the Council would have to return to the applicants any unspent funds. If at a later date the Free School were to be closed the County would be in the position of having to fund the provision of a new school or the purchase of the free school assets, in order to take it over and ensure continued education provision. The Developer Funding Team is pursuing changes to the legal agreement that will provide the infrastructure that is necessary for the development.</p> <p>Oxfordshire currently subsidise some parts of the service on the Upper Heyford to Bicester and Oxford route. The applicants would be paying a contribution to improve service provision to take total provision up to the minimum level that meets national and local policies. The combination of subsidy, the developer contributions and travel plan work would provide an opportunity for people in, what would otherwise be an unsustainable location, to use public transport.</p> <p>The County Council has no objection to the development as long as a sufficient developer contribution package to cover infrastructure needs can be secured by way of legal agreement.</p>
3.13	<p><u>Oxfordshire County Council-Highways and Traffic</u></p> <p>No objection to the proposed application provided that the requirements in the extant legal agreements are carried through into the proposed legal agreements. Will however seek to negotiate with the applicants to simplify the agreements where opportunity arises.</p> <p>(N.B. More detailed have been received and incorporated into the appraisal)</p>
3.14	<p><u>County Development Funding Officer</u>: Comments to follow and to be reported verbally to the planning committee</p>
3.15	<p><u>Summary of Other Internal Responses by the County Council</u></p> <p><u>Countryside Service</u></p> <p>The unilateral undertaking agreed for previous application and appeal re countryside access measures on Flying Field and off-site measures should still stand. If these conditions in the unilateral undertaking, and the unilateral undertaking itself, remain binding then no further action needed - but if not then objections should be raised.</p> <p><u>Archaeology</u></p> <p>The area concerned lies within an area of some archaeological interest as highlighted by the archaeology and cultural heritage chapter of the EIA</p>

included with the application. This document highlights that the area of proposed development has been subject to considerable ground disturbance associated with its use as an airbase over a number of years. It is therefore considered unlikely that archaeological deposits would survive intact within the area.

The area does contain a number of buildings proposed for demolition which are related to the Cold War use of the site which are of importance in the understanding of this period and we would recommend that the advice of the District Councils conservation officer be sought to determine whether these buildings will require further recording prior to any demolition on the site.

The possibility of archaeological finds occurring during the course of construction in less developed areas should be borne in mind, in which case the applicant is asked to notify the County Archaeologist in order that he may make a site visit or otherwise advise as necessary.

#### Minerals Consultation Areas

No objection.

#### County Ecologist

The development should include biodiversity enhancements within the built environment and the development design as recommended in the Ecology chapter of the EIS. Examples include, creation of habitat for bats and birds in buildings, bird & bat boxes and green roofs.

Therefore any mitigation / enhancement measures need to be shown on the relevant architect's drawings and referred to in other reports (e.g. drainage). The developer also needs to be aware of the significance of the bat maternity roost and the mitigation and enhancement which will be required; I would expect more detail on this.

A planting scheme should also be submitted which includes species mix (species should be of local provenance and appropriate to the local area), plant sizes, planting layout & spacing and methods of establishment. The developer could use the Oxfordshire Wildlife & Landscape Study to choose suitable plant species.

The management of green space within the development needs to be secured for the duration of the development. The management plan and its implementation should be funded by the developer and be designed in accordance with any required biodiversity mitigation or enhancement measures. This should be made clear in the Heads of Terms for the S106 legal agreement.

### Social and Community Services

Under the extant planning permission contributions were secured towards adult day care facilities and library facilities in Bicester. The same would be necessary for the proposed development.

### Children young People and Families

Primary and a secondary school position remains as it was before. The primary school would need to be built initially at 1.5 form entry (270 pupils 5-11 years) but a site of a size suitable for a 2 form entry school should be made available in case of the need to increase the size if generation rates are higher on the Park. Secondary school children would attend school in Bicester. At present the cumulative developments affecting provision in this area show that there is a sustained need for a third secondary facility in the town. Contributions from this development would be pooled to provide the necessary places on this site in the SW Bicester development.

OCC Early Years provision for 3 year olds would be provided in the nursery class of the new school.

At present the Children's Centre operates out of leased space in a community building. Ultimately it would operate out of the new school using the community facility outlined in the OCC Primary School brief. It would need to be designed to facilitate this use but to be capable of use by other users when not used as a Children's centre.

It is anticipated that the following demand for Special school spaces would be generated by the following developments combined using our standard multipliers.

Site	Houses	School population	(Special)
Heyford Park	1,076	468	4.7
SW Bicester, Kingsmere	1,585	692	6.9
Eco Town	400	174	1.7
Gavray drive	500	218	2.1
Total			15.4

This requirement would generate one class for 8 pupils at a Special School and 8 places at a special resource base at the secondary school. It is most likely the additional class at a special school would be provided at Bardwell School, Bicester.

The youth service is currently subject to a reassessment of functions and the type of facilities the County will provide in future. There is unlikely to be a designated Youth Centre for Heyford Park but it would be served by one of the hub Youth centres, in this case The Courtyard, Bicester. Any

	<p>contributions gained would be used to enhance facilities to serve the additional population.</p> <p>A meeting is soon to take place with the consultant working for the Free School promoter on this site. The purpose of the meeting is for an update on their proposal which they believe is almost ready for submission to DfE. (N.B.- this point is discussed further in a section of the report on education below. A further oral up date will be given at Committee as this is a key issue in the development at Heyford)</p>
3.16	<p><u>Highways Agency</u></p> <p>Have directed that conditions be imposed if permission is granted</p>
3.17	<p><u>English Heritage</u></p> <p>The proposed revised masterplan reflects a real gain in heritage terms compared with the approved scheme. The expansion of the developable area does not detract from conservation area or setting of listed buildings. More buildings of historical interest are being retained. The form of the parade ground is being restored. The retention of the bungalows is a small gain in heritage terms.</p>
3.19	<p><u>CPRE</u></p> <p>Note some changes are proposed. More buildings are retained. Spirit of development kept. No objections</p>
3.20	<p><u>Sport England</u></p> <p>Sport England's key concerns regarding the planning application included:</p> <ul style="list-style-type: none"> <li>• Provision to support the proposed new housing development.</li> <li>• Proposed loss of existing sport building (Building 583) and adjacent baseball/softball facility.</li> </ul> <p>(1) Provision to support new housing development Outdoor sport provision on the site will be provided in two locations. The Applicant is willing to provide a pavilion/changing facilities at both playing field locations. The playing fields and tennis courts outside the red line boundary (but within the blue line), to the west of Building 583, will be retained. Indoor provision will be made through a contribution set out in the Section 106 of £326,000 to meet the needs of the proposed housing in line with the Council's development plan policies. Sport England considers that the proposals should be sufficient to meet the needs of the new homes proposed within the application. The Applicant's willingness to retain and improve the existing outdoor sports facilities</p>

including the tennis courts and playing fields to the west and south of Building 583, in addition to providing new playing field land elsewhere on the site is welcome.

Whilst it would be preferable for all of the sports facilities to be located together on the site, it is understood that the historical layout of the site makes this difficult. The provision of changing facilities at both playing fields sites would therefore allow this problem to be overcome. This would also meet a local need for additional football facilities in the area identified by the FA.

In order to ensure that the above facilities are delivered, Sport England requests a number of conditions/additions to the Section 106/unilateral undertaking to ensure the above is delivered.

(2) Proposed loss of existing sport building and playing field

The proposals will result in additional playing field land; new playing field land will be created to accommodate a large football pitch and community cricket square, which will form the 'village green'. 2 existing baseball/softball pitches will be lost 2 will remain. The football pitch, athletics track and tennis courts near to Building 583 will be retained.

Conservation area consent for the demolition of Building 583 has already been granted. The sports hall was granted a temporary planning consent for five years that requires regular renewal. Building 583 is in a poor state of repair, with some areas no longer safe to use e.g. squash courts. The building's long-term viability is questionable, regular repairs to the roof are required.

The Applicant is considering the submission of a further planning application to retain the sports hall. The sports hall was removed from the planning application due to concerns regarding traffic movements, expressed by the Local Authority. The proposed Masterplan for the site shows the location of Building 583 as open space.

The retention of the existing playing fields and outdoor tennis courts and the provision of new playing fields with ancillary changing rooms meets Exception 4 of Sport England's policy in quantitative terms, in that:

*"The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of the development."*

The Applicant's willingness to provide changing rooms in this location or retain those within Building 583 is welcome, as this will enable the outdoor facilities (the football pitches, softball/base ball pitches and tennis courts) in this location to remain in use and enable them to continue to be used by local teams.

However, Sport England remains concerned that the proposal includes an

	<p>application for conservation area consent to demolish Building 583. As highlighted in my previous letter, the sports hall building (including 8 court sports hall and changing facilities) is linked to the four softball/baseball pitches and football pitch/athletics track adjacent to it. The loss of the 8 court hall therefore does not accord with the guidance in PPG17 which states that: <i>“Existing open space, sports and recreational buildings and land should not be built on unless an assessment has been undertaken which has clearly shown the open space or buildings and land to be surplus to requirements.”</i> Notwithstanding this concern, conservation area consent has already been granted for the demolition of Building 583 (decision issued on 11<sup>th</sup> January 2010 following an appeal).</p> <p>In addition, the Applicant has confirmed that a separate application will follow for the retention of the Sports Hall. This would allow for the sports hall to potentially be maintained by a proposed School on the site. Sport England welcomes this intention, as it could secure the long term future of the facility.</p> <p>Taking into account the special circumstances set out above, Sport England withdraws its objection to this Application subject to provisions included within the planning consent/section 106 agreement.</p> <p><u>Conclusion</u></p> <p>In light of the above Sport England withdraws the objection set out in our letter of 4<sup>th</sup> January 2011. However, if the Council decided not to attach the above conditions/inclusions with the Section 106 agreement, Sport England would wish to lodge a statutory objection to this application. Should the Council be minded to approve the application without the above conditions, then in accordance with Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Government Office. The absence of an objection to this application in the context of the Town and Country Planning Acts, does not in any way commit Sport England’s or any National Governing Body of Sport’s support for any related application for grants funding.</p>
3.21	<p><u>Natural England</u></p> <ul style="list-style-type: none"> <li>• Welcomes the Environmental Statement, Landscape and Visual Impact Assessment and ecological surveys.</li> <li>• No impact on the two SSSI’s at Ardley</li> <li>• Opportunities exist for biodiversity enhancement, condition recommended in line with PPS9.</li> <li>• Encourage green infrastructure through the site and linkage to the countryside</li> <li>• The site should be landscaped to reflect local character and distinctiveness</li> <li>• Encourage use of SUDs in accordance with Environment Agency</li> </ul>

	Advice
3.22	<p><u>South Northamptonshire District Council</u></p> <p>No objection</p>
3.23	<p><u>Environment Agency</u></p> <p>No objections to the proposed development subject to conditions:</p>
3.24	<p><u>Thames Water Development Planning Asset Investment Unit</u></p> <p>Waste Comments Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like a 'Grampian Style' condition imposed..</p> <p>Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water.</p> <p>Water Comments</p> <p>The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommends a condition be imposed to ensure supply.</p>
3.25	<p><u>British Waterways Board</u></p> <p>Focus on transport is too narrow, concentrates on the settlement only and on buses. Little attention given to cyclists and pedestrians beyond the site. No connectivity improvements. Green routes should extend to the canal and railway station. A proportionate contribution should be made to upgrade the towpath to the railway station.</p>
3.26	<p><u>SEEDA:</u></p> <p>Supported this scheme previously. We therefore have no comments to make on the current application.</p>

3.27	<p><u>Network Rail Town Planning</u></p> <p>No objection to the above proposal but would like the following issued as a condition to the applicant.</p> <p>The proposed development is for 1000+ dwellings which Network Rail believes justifies a mini-bus service being run between the development and the Bicester North Railway Station.</p> <p>PPG13 states that – <i>“the local transport plan strategy, a key aim of which should be to encourage greater use of public transport, walking and cycling (both on their own and in combination with the use of cars, motorcycles, taxis etc) for journeys in rural areas both by visitors and local people. In addition, local service providers, need to work together to achieve the maximum benefit in terms of service delivery. This may mean the flexible and shared use of existing transport and delivery services.”</i> Network Rail believes that the developer should look into funding a mini-bus service to Bicester North Station, which would result in less car journeys, and ensure greater use of the local railway station resulting in fewer car trips to the areas served by Bicester North Station services and to ensure that the development is compatible with the Local Development Framework.</p>
3.28	<p><u>Banbury Ornithological Society</u></p> <p>Local scarce breeding birds on the airfield but not on the development site. Swift nesting site provision would be welcomed.</p>
3.29	<p><u>HSE</u></p> <p>No objection</p>

<p><b>4. Relevant Planning Policies</b></p>	
4.1	<p>National Planning Guidance contained in:</p> <ul style="list-style-type: none"> <li>• PPS1-Delivering Sustainable Development</li> <li>• PPS3-Housing</li> <li>• PPS4-Planning for Sustainable Growth</li> <li>• PPS5-Planning for the Historic Environment</li> <li>• PPS7-Sustainable Development in Rural Areas</li> <li>• PPS13-Transport</li> <li>• PPG17-Planning for Open Space, Sport, and Recreation</li> </ul>
4.2	<p><u>Regional Spatial Strategy for the South East (The South East Plan) 2009</u></p> <ul style="list-style-type: none"> <li>• CC7: Infrastructure and Implementation</li> <li>• CC1/CC2/CC4: Sustainable Development</li> </ul>

	<ul style="list-style-type: none"> <li>• NRM11: Energy Efficiency/Renewable Energy</li> <li>• C4: Landscape and Countryside Management</li> <li>• BE5: Village Management</li> <li>• BE6: Management of the Historic Environment</li> <li>• RE3 Employment</li> <li>• H2: Regional Housing Provision</li> <li>• H3: Affordable Housing</li> <li>• H4: Housing-Type and Size</li> <li>• H5: Housing Design and Density</li> <li>• H6: Making better use of the Existing Stock</li> <li>• T4: Parking</li> <li>• T7: Rural Transport</li> </ul>
4.3	<p><u>Oxfordshire Structure Plan 2016 (OSP)</u></p> <ul style="list-style-type: none"> <li>• Saved Policy H2-Upper Heyford</li> </ul>
4.4	<p><u>Adopted Cherwell Local Plan 1996 (ACLPL)</u></p> <ul style="list-style-type: none"> <li>• H5-Affordable Housing</li> <li>• C23: Conservation Areas</li> <li>• C18: Historic Buildings</li> <li>• C28-Design Policy</li> <li>• C27: Historic Settlement patterns</li> <li>• C30: Design of new residential development</li> <li>• C23-Conservation Areas</li> <li>• C7: Landscape</li> <li>• C10: Historic Landscape</li> <li>• C25: Archaeology</li> <li>• C1/C4: Nature Conservation/Habitat Creation</li> <li>• C14: Trees and Landscaping</li> <li>• ENV1: Pollution Control</li> <li>• ENV7: Water Quality</li> <li>• ENV10/ENV11: Hazardous Development</li> <li>• ENV12: Contaminated Land</li> <li>• TR1: Transportation Measures</li> <li>• TR7: Traffic on Minor Roads</li> <li>• R12: Open Space Provision</li> <li>• EMP4: Employment in Rural Areas</li> <li>• T2: Tourist Accommodation</li> </ul> <p><u>Non Statutory Cherwell Local Plan (NSCLP)</u></p> <ul style="list-style-type: none"> <li>• UH1, UH2, UH3, and UH4-Upper Heyford</li> <li>• H1-Housing location</li> <li>• H3-Efficient Use of Land</li> <li>• H4-Housing Type</li> <li>• H5/H6 Housing for Disabled and Elderly</li> </ul>

	<ul style="list-style-type: none"> <li>• H7-Affordable Housing</li> <li>• TR1-TR3 Transport Travel</li> <li>• TR3 Mitigation</li> <li>• TR5 Road Safety</li> <li>• TR6Public Transport</li> <li>• TR8 Cycling/Walking</li> <li>• TR16 Large vehicle Traffic</li> <li>• TR19 Residential Roads</li> <li>• TR36 Traffic in rural Areas</li> <li>• D1/D5-Design/public realm</li> <li>• D7 Mixed Uses</li> <li>• D9 Energy Efficiency</li> <li>• D10 Tall Buildings</li> <li>• D11 Views</li> <li>• EM1/EMP4 Employment</li> <li>• EN1/EN2 Environmental Protection</li> <li>• EN7 Noise</li> <li>• EN11/EN12 Water Quality</li> <li>• EN17 Contaminated Land</li> <li>• EN21 Renewable Energy</li> <li>• EN22-EN28 Nature Conservation</li> <li>• EN30, EN34-EN37 Landscape</li> <li>• EN39/EN40 Conservation</li> <li>• EN46 Heritage-Enabling Development</li> <li>• EN47 Archaeology</li> <li>• EN48/EN49 Historic Landscapes-Rousham</li> <li>• OA1/OA2 Community Development-Heyford</li> <li>• T1 Tourism</li> </ul> <p><u>Draft Core Strategy-February 2010</u></p> <ul style="list-style-type: none"> <li>• 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.</li> </ul>
4.5	<p>In addition:</p> <ul style="list-style-type: none"> <li>• Planning Obligations Interim Planning Guidance (April 2007)</li> <li>• Affordable Housing-Code of Practice-April 2004</li> <li>• Planning Advice Note on Sustainable Construction-2009</li> <li>• RAF Upper Heyford Conservation Area -Designated April 2006</li> <li>• RAF Upper Heyford Planning Brief (SPD adopted 5<sup>th</sup> March 2007)</li> </ul>

<b>5 Planning Policy and the Development Plan</b>	
5.1	<u>Background</u>
5.2	As Committee will be aware, these are changing times in which applications to develop land are being considered, both nationally and locally. However, the main policy issues over the fundamental matter of whether to allow development, any development, at Heyford have been resolved. A short explanatory background is required however to put the current application into context and to set out the relevant development plan policies applicable.
5.3	<u>South East Plan (SEP)</u>
5.4	On 27 May 2010, the Secretary of State wrote to Local Planning Authorities highlighting the new Government's intention to " <i>rapidly abolish regional strategies and return decision making powers on housing and planning to local councils</i> ". He stated that he expected authorities to have regard to the letter as a material consideration in any decisions they are currently taking.
5.5	On 6 July 2010, the Secretary of State announced the revocation of regional strategies with immediate effect. Consequently, it was understood that the South East Plan was no longer part of the Development Plan.
5.6	On 10 November 2010 the High Court issued a judgement that the Secretary of State had acted unlawfully in his revocation of the Regional Spatial Strategies. On the same day the Secretary of State's Chief Planner wrote to all Local Planning Authorities advising that the effect of the decision was to re-establish Regional Spatial Strategies as part of the Development Plan. He also drew attention to the letter of 27 May and emphasised the Government's commitment to return decision making powers to local authorities through the forthcoming Localism Bill, and re-stated that regard should be had to the 27 May letter in decisions currently being taken.
5.7	A further legal claim was subsequently submitted to the High Court seeking a declaration from the Court that the government's stated intention to revoke Regional Strategies is not a material consideration for the purposes of making planning decisions. On 29 November 2010, the High Court issued a stay on both the CLG's statement of 10 November and the letter of 27 May pending a full legal hearing into the lawfulness of the secretary of state's statement and the chief planner's advice.
5.8	On 7 February 2011 the High Court dismissed the judicial review challenge by Cala Homes to the effect that the Secretary of State's statement of 10

	<p>November 2010 and the letter of the Chief Planner of the same date, referring to the proposed revocation of Regional Strategies were immaterial to the determination of planning applications and appeals before the formal revocation of Regional Strategies. It is understood that Cala Homes intends to apply to the Court of Appeal for permission to appeal the High Court's decision. As a result of the High Court ruling Local Authorities must, where relevant, take into account the proposed abolition of Regional Strategies and the progress of the Localism Bill to this end as a material consideration in planning decisions. The weight to be given to the proposed abolition will be a matter for the decision maker.</p>
5.9	<p>It is therefore advised that at this time, regard should be given to all relevant policies from the South East Plan in considering this application having regard as appropriate to the content of the Secretary of State's letter of 27 May and his Chief Planner's letter of 10 November.</p>
5.10	<p><u>Oxfordshire Structure Plan</u></p>
5.11	<p>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. Although the thrust of the OSP was to direct development towards urban centre, paragraph 7.7 of the Structure Plan advises that; "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 reuse of some existing buildings and previously developed land located in the former technical and residential areas of the base." Policy H2 required the development of the base to be in accordance with a comprehensive development brief for the site.</p>
5.12	<p><u>The Revised Comprehensive Planning Brief 2007 (RCPB)</u></p>
5.13	<p>The purpose of the RCPB was to elaborate on and provide guidance supplementary to Policy H2 of OSP 2016. It was adopted as a SPD in March 2007. While it does not form part of the statutory development plan, it expands on and supplements OSP 2016 Policy H2. The SPD was prepared in accordance with the requirements set out in the version of PPS 12 (Creating Local Development Frameworks and the accompanying companion guide) current at the time of its development and adoption. The RCPB 2007 SPD is a significant material consideration in the processing of planning applications concerning the site at the former RAF Upper Heyford airbase.</p>

5.14	<p>The brief Specifically intends to assist in the quality delivery of:</p> <ul style="list-style-type: none"> <li>• a settlement of about 1,000 dwellings as a means of enabling environmental improvements, conservation of the site’s heritage interests while achieving a satisfactory living environment;</li> <li>• necessary supporting infrastructure for the settlement including primary school appropriate community, recreational and employment opportunities</li> <li>• conservation of heritage interest</li> <li>• environmental improvements including site wide biodiversity enhancement;</li> <li>• journeys by foot, cycle or public transport – rather than by car;</li> <li>• minimisation of the development’s impact of traffic on the surrounding road network.</li> </ul>
5.15	<p>The RCPB sets out the vision for the site and identifies the seven elements set out below;</p> <ol style="list-style-type: none"> <li>i) The construction of the new settlement on the former technical core and residential areas, retaining buildings, structures, spaces and trees that contribute to the character and appearance for the site and integrating them into high quality place that creates a satisfactory living environment.</li> <li>ii) A community that is as sustainable as possible, in the provision of community facilities and in balancing dwellings and employment opportunities, given the site’s location</li> <li>iii) The creation of a satisfactory living environment within and around the new settlement, integrating the new community in to the surrounding network of settlements by reopening historic routes and encouraging travel by means other than private car as far as possible.</li> <li>iv) The preservation of the stark functional character and appearance of the flying field beyond the settlement area, including the retention of buildings of national interest which contribute to the area’s character (with limited, fully justified exceptions) and sufficient low key re-use of these to enable appropriate management of this area.</li> <li>v) The achievement of environmental improvement within the site and of views of it to include the removal of buildings and structures that do not make a positive contribution to the special character or which are justified on the grounds of adverse visual impact, including in proximity to the proposed settlement, together with limited appropriate landscape mitigation, enhancement of ecological interest and reopening of historic routes.</li> <li>vi) The conservation and enhancement of the ecological interest of the flying field through appropriate management</li> <li>vii) Visitor access, controlled where necessary, to and interpretation of the historic and ecological assets of the site</li> </ol>

5.16	<u>Adopted Cherwell Local Plan 2001 (ACLP)</u>
5.17	The Cherwell Local Plan was adopted in November 1996. Although the plan was intended to cover the period to 2001 it remains part of the Statutory Development Plan. The Cherwell Local Plan was adopted shortly after the former airbase was declared surplus and therefore does not have any policies specifically in relation to the site.
5.18	<u>Non Statutory Cherwell Local Plan 2011 (NSCLP)</u>
5.19	The Non Statutory Cherwell Local Plan (NSCLP) was originally produced as a replacement for the adopted local plan. The plan was subject to first and second draft deposit stages and pre-Inquiry changes were incorporated. However the decision was taken by the Council to discontinue work on the plan on the 13 December 2004 and withdraw it from the statutory local plan process as there was no realistic prospect of it being adopted prior to Government changes to the planning system coming into force which would have prevented its subsequent adoption. However to avoid a policy void, the Non Statutory Cherwell Local Plan 2011 (NSCLP) was approved by the Council as interim planning policy for development control purposes on the 13 December 2004. The NSCLP therefore does not form part of the statutory development plan. As such, it is of reduced weight but as interim planning policy it is a material consideration in the consideration of the current application.
5.20	The NSCLP 2011, contains the following specific policies relating to the former airbase:
5.21	<p>UH1 PROPOSALS FOR A NEW VILLAGE AT THE FORMER RAF UPPER HEYFORD IN THE LOCATION SHOWN ON THE PROPOSALS MAP WILL BE PERMITTED ONLY IF THEY:</p> <ul style="list-style-type: none"> <li data-bbox="427 1464 1445 1653">(i) PROVIDE FOR THE IMPLEMENTATION OF AN INTEGRAL SCHEME OF LANDSCAPING AND ENVIRONMENTAL IMPROVEMENT ACROSS THE WHOLE OF THE LAND COVERED BY THE FORMER AIRBASE IN ACCORDANCE WITH POLICY UH2;</li> <li data-bbox="427 1688 1445 1904">(ii) PROVIDE FOR A VILLAGE OF ABOUT 1000 DWELLINGS IN TOTAL, INCLUDING ANY EXISTING DWELLINGS TO BE RETAINED WITH NEW RESIDENTIAL DEVELOPMENT IN COMPLIANCE WITH PPG3 MINIMUM DENSITY REQUIREMENTS, BROADLY AS INDICATED ON THE PRPOSALS MAP</li> <li data-bbox="427 1939 1445 2016">(iii) ENABLE A RANGE OF EMPLOYMENT OPPORTUNITIES TO BE CREATED WITHIN THE NEW VILLAGE SUCH THAT THE</li> </ul>

	<p>NUMBER OF JOBS WILL BE BROADLY COMPARABLE TO THE ANTICIPATED NUMBER OF ECONOMICALLY ACTIVE RESIDENTS;</p> <ul style="list-style-type: none"><li>(iv) MAKE NO PROVISION FOR SIGNIFICANT FURTHER GROWTH BEYOND THAT ENVISAGED IN (ii) AND (iii) ABOVE;</li><li>(v) MAKE APPROPRIATE PROVISION FOR AN ELEMENT OF AFFORDABLE HOUSING IN ACCORDANCE WITH POLICY H7;</li><li>(vi) ENSURE THE PROVISION, WITHIN A VILLAGE CENTRE, OF A PRIMARY SCHOOL, INCLUDING NURSERY PROVISION, A VILLAGE HALL, RECREATION AND LEISURE FACILITIES, AND THAT THE OPPORTUNITY IS PROVIDED FOR MEDICAL FACILITIES IN ACCORDANCE WITH NHS REQUIREMENTS AND A RANGE OF RETAIL FACILITIES INCLUDING A PUBLIC HOUSE ON A COMMERCIAL BASIS, AT APPROPRIATE STAGES OF THE DEVELOPMENT OF THE NEW VILLAGE;</li><li>(vii) INCORPORATE MEASURES TO ENCOURAGE WALKING, CYCLING AND PUBLIC TRANSPORT;</li><li>(viii) INCORPORATE MEASURES TO IMPROVE FACILITIES AT LOWER HEYFORD STATION AND TO PROVIDE INTEGRATED PUBLIC TRANSPORT LINKS BETWEEN THE NEW VILLAGE AND THE STATION;</li><li>(ix) INCORPORATE PROPOSALS TO MINIMISE THE IMPACT OF TRAFFIC ASSOCIATED WITH THE DEVELOPMENT ON THE SURROUNDING ROAD NETWORK;</li><li>(x) INCORPORATE PROPOSALS FOR THE REINSTATEMENT OF THOSE SECTIONS OF THE PUBLIC RIGHTS OF WAY KNOWN AS PORTWAY AND AVES DITCH THAT HAVE REMAINED SEVERED DURING AND SINCE MILITARY OCCUPATION OF THE LAND, THE APPROXIMATE ALIGNMENTS OF WHICH ARE SHOWN ON THE PROPOSALS MAP;</li><li>(xi) INCORPORATE PROPOSALS FOR THE PRESERVATION OF THOSE BUILDINGS, STRUCTURES AND COMPLEXES OF THE COLD WAR ERA THAT HAVE BEEN IDENTIFIED BY ENGLISH HERITAGE AS BEING OF NATIONAL IMPORTANCE, TOGETHER WITH AN APPROPRIATE SETTING FOR THEM;</li><li>(xii) INCORPORATE ENERGY EFFICIENT DESIGNS AND TECHNOLOGY THROUGHOUT THE DEVELOPMENT.</li></ul>
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5.22	<p>UH2 PROPOSALS FOR A NEW VILLAGE AT THE FORMER RAF UPPER HEYFORD WILL BE PERMITTED ONLY IF THEY INCLUDE A SCHEME FOR LANDSCAPING AND ENVIRONMENTAL IMPROVEMENT ACROSS THE WHOLE OF THE AREA OCCUPIED BY THE FORMER AIRBASE COMPRISING:</p> <p>(i) PROPOSALS AND A PROGRAMME FOR THE DEMOLITION AND REMOVAL OF THOSE BUILDINGS AND OTHER STRUCTURES, INCLUDING THE PERIMETER FENCING, WHICH ARE UNACCEPTABLY INTRUSIVE HAVING REGARD TO:</p> <ul style="list-style-type: none"><li>(a) VIEWS FROM OUTSIDE THE FORMER AIRBASE</li><li>(b) THE PREVAILING CHARACTER</li><li>(c) OF THE SURROUNDING LANDSCAPE</li><li>(d) THE IMPACT OF SUCH BUILDINGS ON THE SETTING AND ENVIRONMENT OF THE PROPOSED NEW VILLAGE</li><li>(e) THE ENJOYMENT OF THE COUNTRYSIDE FROM EXISTING AND REINSTATED RIGHTS OF WAY</li></ul> <p>BUT EXCLUDING THOSE BUILDINGS, STRUCTURES AND COMPLEXES OF THE COLD WAR ERA THAT HAVE BEEN IDENTIFIED BY ENGLISH HERITAGE AS BEING OF NATIONAL IMPORTANCE AND ARE SHOWN ON THE PROPOSALS MAP;</p> <p>(ii) PROPOSALS TO MAXIMISE THE RECYCLING OF THE ARISING FROM THE IMPLEMENTATION OF THE DEMOLITION AND INFRASTRUCTURE REMOVAL PROGRAMME INCLUDING THE ON-SITE STOCK-PILING AND/OR PROCESSING OF RECYCLABLE MATERIALS FOR REUSE ON AND OFF-SITE AND THE MITIGATION OF ANY ADVERSE ENVIRONMENTAL EFFECTS ARISING;</p> <p>(iii) PROPOSALS FOR THE ON-SITE TREATMENT OF CONTAMINATED LIQUIDS AND MATERIALS INCLUDING SOILS WHERE THAT WOULD ACCORD WITH GOOD ENVIRONMENTAL PRACTICE AND HAVE NO DETRIMENTAL ENVIRONMENTAL IMPACT;</p> <p>(iv) PROPOSALS FOR THE USE, ON SITE, OF UNCONTAMINATED INERT MATERIALS ARISING FROM THE DEMOLITION AND INFRASTRUCTURE REMOVAL PROCESS WITH THE PURPOSE OF MINIMISING THE EXPORT OF SUCH MATERIAL, INCLUDING TO OFF-SITE LANDFILL OR OTHER WASTE MANAGEMENT FACILITIES, SUBJECT TO THE COMPATIBILITY OF SUCH USE WITH THE RESTORATION STRATEGY REQUIREMENTS OF THIS POLICY;</p>
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	<p>(v) PROPOSALS AND A PROGRAMME TO CREATE, THROUGH THE REDISTRIBUTION OF ON-SITE SOILS ON THE LAND LYING BEYOND THE PROPOSED BUILT UP LIMITS OF THE NEW VILLAGE, A RESTORED LANDSCAPE COMPRISING AREAS OF PASTURE AND OPEN “COMMON” INFORMED BY AN ASSESSMENT OF LOCAL LANDSCAPE CHARACTER AND OF THE HISTORIC LANDSCAPE OF THE SITE;</p> <p>(vi) PROPOSALS TO MINIMISE THE IMPACT OF VEHICLE MOVEMENTS ASSOCIATED WITH THE SCHEME;</p> <p>(vii) A PRESUMPTION IN FAVOUR OF THE RETENTION AND PROTECTION OF ECOLOGICALLY IMPORTANT LANDSCAPE TOGETHER WITH PROPOSALS TO ENHANCE THE BIODIVERSITY OF THE OPEN AREAS OF THE FORMER AIRBASE GENERALLY.</p> <p>(viii) PROPOSALS FOR THE AFTER-USE OF THE RESTORED LAND BEYOND THE PROPOSED LIMITS OF THE NEW VILLAGE BASED ON PASTURE, OPEN “COMMON” AND PASSIVE RECREATION.</p>
5.23	<p>UH3 THE COUNCIL WILL PERMIT DEVELOPMENT PROPOSALS ON THE SITE OF THE FORMER AIRBASE AT UPPER HEYFORD ONLY WHEN IT CAN BE DEMONSTRATED THAT THEY WOULD BE UNLIKELY, ON THEIR OWN OR CUMULATIVELY, TO GIVE RISE TO:</p> <p>(i) LEVELS OF HGV MOVEMENTS ON THE SURROUNDING RURAL ROAD NETWORK THAT WOULD COMPROMISE THE SAFETY OF ROAD USERS OR THE QUALITY OF THE RURAL ENVIRONMENT INCLUDING THAT OF EXISTING RURAL SETTLEMENTS IN THE VICINITY;</p> <p>(ii) DETRIMENT TO ROAD SAFETY WITHIN OR BEYOND THE NEW VILLAGE;</p> <p>(iii) CONFLICT WITH THE AIM TO ACHIEVE ENVIRONMENTAL IMPROVEMENT OF ALL OF THE LAND OCCUPIED BY THE FORMER AIRBASE IN THE CONTEXT OF POLICIES UH1 AND UH2;</p> <p>(iv) DEVELOPMENT OF A SCALE THAT WOULD BE DEMONSTRABLY INCONSISTENT WITH THE OBJECTIVE OF CREATING A NEW VILLAGE THAT CAN BE ACCEPTABLY ABSORBED IN THE WIDER LANDSCAPE.</p>

5.24	UH4 AN APPROACH TO THE DESIGN OF THE NEW VILLAGE WILL BE SOUGHT THAT WILL ENSURE ITS SUCCESSFUL INTEGRATION IN THE NORTH OXFORDSHIRE COUNTRYSIDE BY REFLECTING LOCALLY DISTINCTIVE CHARACTER IN TERMS OF THE SCALE AND MASSING OF BUILT DEVELOPMENT, THE COLOUR AND TEXTURE OF CONSTRUCTION MATERIALS AND LANDSCAPE DOMINATED DEVELOPMENT AT ITS PERIPHERY.
5.25	<u>Conservation Area Appraisal</u>
5.26	<p>The RAF Upper Heyford Conservation Area was designated in April 2006 . A Conservation Area Appraisal (CAA) was produced for the site and adopted by the Council in April 2006. The CAA includes the historic significance of the site, analyses its character and heritage assets, assess the special interest, negative factor affecting the site and summarises the issues. It describes the site as; 'The landscape setting and hardened concrete structures of the former RAF Upper Heyford have the power to communicate the atmosphere of the Cold War.'</p> <p>The CAA identifies the following key areas in the summary of issues;</p> <ol style="list-style-type: none"> <li>1. Protection of the Historic Buildings and Landscape</li> <li>2. Vulnerability of the site to fragmentation</li> <li>3. Reuse of the retained buildings</li> <li>4. Incorporation of a new settlement</li> </ol>

<b>6 Planning History</b>	
6.1	<p>The former airbase was confirmed surplus to MOD requirements in September 1994 just before the current Local Plan was adopted in 1996. It does not contain any policies specifically relating to the site. A revised Structure Plan was adopted by the County Council in 1998 and included policy H2 which sought to address the future of the site. Policy H2 identified:</p> <ul style="list-style-type: none"> <li>• the site for a development of about 1,000 dwellings and supporting infrastructure;</li> <li>• that the future of the site be guided by a comprehensive planning brief adopted by the Council;</li> <li>• substantial landscaping and other environmental improvements be provided; and that</li> <li>• the new settlement be designed to encourage journeys by foot, cycle or public transport rather than by car.</li> </ul>
6.2	A Comprehensive Planning Brief (CPB), as required by OSP 2012 Policy H2, was adopted by CDC in 1999. The CPB sought to guide development proposals for the base and included the clearance of all structures located

	beyond the proposed settlement area and restoration of the land. The CPB included draft Local Plan policies which were adopted for development control purposes.
6.3	In 2005, a revised Structure Plan 2016 was adopted. Policy H2 was retained in an amended form identifying the purpose of development on the site as enabling to deliver environmental improvements, conservation of the heritage interest across the whole site, compatible with achieving a satisfactory living environment.
6.4	In November 2005, a Conservation Plan was produced for the flying field. The plan was jointly commissioned by CDC, EH and North Oxfordshire Consortium (NOC). The plan identified the historic importance of the site as a Cold War landscape and the importance of individual structures on the site. The plan identified greater levels of significance for the site than EH had previously identified. A further assessment of the areas excluded from the Conservation Plan was commissioned by CDC and completed in March 2006. These studies were used to inform the decision to designate the whole site as a conservation area in April 2006 and the Revised Comprehensive Planning Brief. A Revised Comprehensive Planning Brief was adopted as SPD in March 2007.
6.5	Over the last 10 years numerous applications have been made seeking permission to either develop the whole site or large parts of it and numerous of them have gone to appeal. The most relevant to the current application, and most recent, was application ref 08/00716/OUT. This outline application proposed: "A new settlement of 1075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure (as amended by plans and information received 26.06.08)."
6.6	Following a major public inquiry that commenced in September 2008 the Council finally received the appeal decision on the above proposed development in January 2010. The appeal was allowed, subject to conditions, together with 24 conservation area consents that permit demolition of buildings on the site including 244 dwellings.
6.7	Although the appeal was lodged on the grounds of non-determination the Council resolved to object to the proposal on several grounds including its failure to conform to the Planning Brief for the site, that the development was unsustainable, the type of employment was inappropriate, transport

	<p>measures were inadequate to cope with the development, damage to the character and appearance of the conservation area and the information submitted was inadequate or failed to justify the proposal. The reasons for refusing the conservation area consents were either the loss of buildings that contributed positively to the conservation area, that a cleared site would detract from the conservation area and/or their demolition was premature without an approved scheme for redevelopment.</p>
6.8	<p>Due to the scale of the development proposed, the appeal was referred to the Secretary of State for Communities and Local Government for determination. The decision letter from the Secretary of State (SoS) can be read in full on the Council's web site:  <a href="http://cherweb.cherwell-dc.gov.uk/AnitePublicDocs/05757874.pdf">http://cherweb.cherwell-dc.gov.uk/AnitePublicDocs/05757874.pdf</a> .</p>
6.9	<p>The SoS considered there to be three main issues: the policy context for the proposal, with particular reference to the development plan and PPG15; Design Principles and PPS1; and Housing and Sustainability of location. There was a fourth, planning conditions and obligations.</p>
6.10	<p>On policy, the SoS thought the development was in general conformity with the Oxfordshire Structure Plan policy H2 which seeks to provide a community of about 1000 dwellings with schools and employment opportunities, though not the Council's Development Brief for the site, and that it would enable environmental improvements, conserve heritage interests and provide appropriate level of employment. In terms of employment, the SoS recognised that businesses were well established and there were 500 people currently employed in car processing. Economic benefits were a "weighty material consideration" and they did not seem to outweigh the harm to the character of the conservation area. However the Inspector refers to the need to balance heritage interests against exceptional circumstances to justify overriding the presumption to preserve and enhance the conservation area. On reuse of buildings, it was considered their retention would outweigh the breach in the number of jobs limited on the site by policy H2</p>
6.11	<p>On design, the SoS seems to have accepted the development would meet the aims of PPS1 and Cherwell could draw up polices and use conditions to reflect up to date design guidance in PPS1.</p>
6.12	<p>The provision of 1075 houses was seen to be consistent with policy H2 and that a small settlement in this relatively isolated location justified the legacy</p>

	of the airbase. Shops would provide a service to the community and the employment would stop Heyford becoming a dormitory town.
6.13	A considerable number of conditions were drawn up which together with legal undertakings from the applicant, mitigated the impact on heritage the SoS considered necessary together with achieving many of the aims of policy H2. So for example a condition was imposed to restrict the area of the car processing activity.
6.14	The SoS concluded the development would substantially accord with the development plan, meaning Structure Plan policy H2, little weight seems to have been given to the Council's development brief for the site. A sustainable and reasonable balance was secured between retaining the built and natural heritage, and providing an appropriate and proportionate level of employment in the context of the site's location and access to services. In granting the planning permission, it was therefore felt justifiable to allow the 24 conservation area consents, again subject to conditions. As part of the decision, 71 conditions were imposed on the grant of planning permission and 5 on the conservation consents. In addition to the planning conditions, the applicant is obligated to comply with covenants of which possibility the most significant for the District Council is provision of affordable housing. There are also requirements to provide land and funding for education, open space and community facilities, a heritage centre and to contribute towards improvements to public transport.
6.15	The grant of planning permission authorised many of the uses currently being undertaken at the site and sets out the template for future development. It is however a long way from the end of the story as far as its overall development is concerned. The permission is in outline so details of layout, scale, appearance, landscaping and access (the reserved matters) still have to be submitted and within a period of six years. However, because the permission also grants uses which are currently operating on site, there are some much tighter time controlled conditions the information for which has to be submitted within three months of the decision letter. These include issues of ground water protection, contamination, and access routes, together with strategies for parking, lighting, signage, waste and fencing.
6.16	The approved development permitted in the settlement area at appeal, the same site as the current application, was set out in Condition 5 and an annex to the Secretary of State's decision letter. It states: <p>"The proposed <b>New Settlement Area</b> includes the following uses and</p>

	<p>development:-</p> <ol style="list-style-type: none"> <li>1. Class C3 (residential dwelling houses): up to 1,075 new dwellings (including the retention of some existing military housing), to be erected in 2 and 3 storey buildings, together with change of use of Building 455 (1177 sq.m);</li> <li>2. Class D1 (non residential institutions): change of use of building 457 (224 sq.m) to a nursery/crèche, building 549 (580 sq.m) to provide accommodation for a Community Hall and building 572 (680 sq.m) to provide accommodation for a Chapel; Buildings 126 (869 sq.m), 129 (241 sq.m) and 315 (3,100 sq.m) to provide a Heritage Centre up to 4,200 sq.m, together with associated car parking.</li> <li>3. Change of Use of Building 74 (4,020 sq.m) to Class C1/D1 use as a hotel / conference centre of up to 4,150 sq. metres.</li> <li>4. Class A1 retail provision of up to 743 sq.metres floorspace, and change of use of Building 459 (270 sq.m) to Class A1 retail.</li> <li>5. Change of Use of Building 103 (312 sq.m) to Class A4 Public House, provision of up to 340 sq.metres of Class A4 floorspace in total.</li> <li>6. Provision of 1 no. Primary School on 2.2 hectares.</li> <li>7. Erection of 6 no. Class B1 (a), (b) and (c) buildings comprising up to 7,800 sq.metres of floorspace, together with change of use of Buildings 100 (557 sq.m) and 125 (897 sq.m) to Class B1.</li> <li>8. Change of Use of Buildings 80 (2198 sq.m), 151 (3,100 sq.m), 172 (5,135 sq.m), 320 (3,600 sq.m), 345 (3,600 sq.m), 350 (3,200 sq.m) to mixed Class B2/Class B8 use.</li> <li>9. Change of Use of Building 158 (50 sq.m) to Class B8 use.</li> <li>10. Change of use of Structure 89a (10 sq.m) to a petrol pump station (sui generis use)</li> <li>11. Provision of playing pitches and courts, sports pavilion plus incidental open space including NEAPS and LEAPS.</li> <li>12. Provision of all infrastructure to serve the above development including the provision of the requisite access roads and car parking to District Council standards.</li> <li>13. Removal of boundary fence to the south of Camp Road.</li> <li>14. Removal of buildings and structures within New Settlement Area as detailed in separate schedule (Demolitions Schedule Table RD 4bd).</li> <li>15. Landscaping alterations including the removal of identified trees within the Conservation Area (see separate schedule) and planting of new trees and offsite hedgerows and access track.”</li> </ol>
6.17	The appeal decision has already been taken into account by the Council as part of its draft core strategy and the development of former RAF Upper

	Heyford is seen as the major single location for growth in the District away from Banbury and Bicester with most the new housing development scheduled for development in the 2011-2016 plan period. This seems a feasible proposition as the outline permission is now in place.
6.18	One significant change has occurred since the Public Inquiry took place in that the appellant sold the site to the Dorchester Group PLC (DG), the current applicants. They have a different view towards the concept of developing the former base and for the last few months have been preparing a new, revised masterplan for the settlement area and which has evolved into the current application. The application site and details of the proposal are set out elsewhere in this report but Committee should be advised that the owners are fully aware of the need to discharge and comply with conditions on the planning permission, and have been submitting those for the Flying Field which they intend to fully implement in line with the appeal decision.
6.19	As part of the change in the applicant's philosophy and attitude towards the development of the settlement area, Committee will recall the application for the permanent change of use of 253 existing military dwellings for residential class C3 (primarily the bungalows) on land south of Camp Road, subject to a section 106 agreement. That development is, in effect, repeated as part of the current application.
6.20	There is also a current application (ref10/01778/F) seeking temporary permission for the retention of uses in a number of the military buildings eventually proposed for demolition.

<b>7 Appraisal</b>	
7.1	The new scheme raises a number of issues but the main ones are considered to be: <ul style="list-style-type: none"> <li>• The Principle of Development and Compliance with the Development Plan</li> <li>• Form, Layout and Use</li> <li>• Impact on the Conservation Area</li> <li>• Access and Highways</li> <li>• Affordable Housing</li> <li>• Section 106 Agreement</li> </ul>
7.2	<b>The Principle of Development and Compliance with the Development Plan</b>

7.3	<p>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 albeit that its life span looks to be limited</p>
7.4	<p>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 on/off revocation of the regional plan. Due to the significance of this policy and the development now proposed the policy is reproduced in full:</p> <p><b><i>Upper Heyford</i></b>  <b><i>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.</i></b>  <b><i>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.</i></b>  <b><i>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.</i></b></p>
7.5	<p>The supporting text states (para 7.7):  <i>“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</i></p>

	<i>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.’</i>
7.6	Para 7.8 continues: <i>“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.”</i>
7.7	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 a modified form) in 2007.
7.8	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.
7.9	This application in broad terms is only marginally different from the scheme approved at appeal. In quantum and conceptually it is very similar. It provides for a settlement of about 1000 dwellings, provides the supporting infrastructure needed. It is sensitive to heritage interests retaining those buildings already identified as important together with a substantial amount more. Employment is only likely to be marginally different from what is approved and is used to achieve the retention of buildings of heritage value. It has to be designed for means other than the private car and this will be dealt in more detail below. When taken together with the flying field development that was approved at appeal and which is in the course of being implemented now, it does seem what is proposed in the current application is 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. This is therefore in line with OSP H2 and the RCPB 2007, together with the more general policies on design, landscaping, access etc which will be dealt with in more detail below.

7.10	<b>Form, Layout and Use</b>
7.11	<p>The former base at Heyford has had a somewhat tumultuous recent planning history culminating in the appeal decision in January last 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. That permission was for the whole of the base including the flying field, and not just the settlement and technical areas as is the current application. The decision to grant permission must be given significant weight in determining the current application.</p>
7.12	<p>It is not intended to fully rehearse the arguments in this report on the sustainability of Heyford or the concept of enabling development. The Inspector considered them at the Inquiry and concluded the site specific allocation meant the issue of sustainability had been dealt with by other policies in the OSP and that the use of the unilateral undertaking to secure improvements to travel, inter alia, addressed that issue. As to enabling development, the Inspector felt the scale of development was limited by policy H2 to secure specific interests, including compliant types of development. It therefore allowed for a small settlement and necessary infrastructure to support it. Nevertheless the importance of the site's heritage should not be underestimated. At the appeal, significant undertakings were made to retain and enhance heritage features on site. Heritage management plans were drawn up and a new heritage centre proposed. Whilst these are secured by the existing unilateral undertaking they are also rolled forward into this application, for example, the same buildings (126, 129 and 315) approved for heritage use in the appeal scheme are again proposed as a heritage centre.</p>
7.13	<p>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. In broad terms they will implement the scheme approved at appeal which keeps the employment uses on the flying field.</p>
7.14	<p>The current application seeks to modify what was granted on appeal, primarily in the residential settlement area, with a consequent change to the masterplan. The reason for this is the retention of a greater proportion of buildings on site, primarily 253 dwellings on the south side of Camp Road, mainly bungalows, but also houses, all at a low density. As a result this extends the zone of development westwards. (It was also intended to construct new housing alongside Larsen Road but this element has been deleted from the scheme after concerns was expressed that it would be detrimental to the character and appearance of the area, adversely effect the setting and character of the officer's housing and be detrimental to the long-</p>

	term health and viability of trees in the vicinity.)
7.15	The essential elements of the approved scheme remain. The same number of dwellings (1,075). A new commercial centre at the heart of the settlement. A new school. A remodelled parade ground although in this scheme it becomes a village green. The church and community centre are retained. And buildings 126,129 and 315 are retained for heritage purposes. The commercial floorspace remains approximately the same although there appears to be a modest loss of business use (Class B1
7.16	Turning to some of the main elements of the scheme and expanding on the details set out in the report so far, starting with land use, the appended schedule sets out the quantity and volume of the various uses. The spatial arrangement is shown on a parameter plan and is largely reflective of the appeal permission. At the core of the settlement is the local centre with a mix of Class A, C3 and D1 uses. These line either side of Camp Road retaining and reusing the most significant heritage buildings (100, 103, 455 and 457). 100 and 455 will have the unsightly accretions that diminish their quality removed and be extended more sympathetically. Other community buildings retained include 549 and 572, the community centre and church.
7.17	The proposed primary school is shown in the same position previously approved, south of Camp Road linking north to the Local Centre, and of the same size. One regret is that the approved scheme had better linkage through green space and pathways between the local centre, school and community centre/church than the current proposal. But this is outweighed by the treatment of the parade ground.
7.18	<p>The RCPB 2007 advises that:</p> <p>“It is not only the built form that contributes to the special character of the conservation area, but the significant spaces and the relationships of buildings that frame them. These often functional relationships also assist with an understanding of how the air base worked. The retention of such spaces not only retains a link with the past, it will assist with creating a legible place and one with a sense of distinctiveness. These key spaces should be retained and incorporated into the master plan for the new settlement where practical to do so. These include.....The former parade ground. This sits within what is likely to become a predominantly residential area, potentially adjacent to local centre facilities and could become a focal neighbourhood space serving the community.” It goes on to say:</p> <p>“KEY SPACES WITHIN THE BUILT FORM THAT ARE OF HISTORIC SIGNIFICANCE OR WHICH HAVE POTENTIAL TO MAKE A POSITIVE CONTRIBUTION TO THE NEW SETTLEMENT SHOULD BE INTEGRATED INTO THE MASTER PLAN.”</p>

	<p>In the approved masterplan a lot of open space is created but in some places its value is not great as it might have been, certainly the quality of the parade ground is limited by only a small part of it being retained. In the current scheme, the aspiration of the applicant to create a village settlement with a green at its heart has resulted in a significant portion of the parade ground being retained. It is further enhanced by retaining buildings, some of which were previously scheduled for demolition, being retained and together with new buildings to the east side, framing it to reflect a historic relationship. The space will also be capable of multiple recreational uses, for cricket, jogging, play and relaxing. It is also intended that building 455 and 457 can be used for A3/A5 uses, café or pub, or even provide pavilion facilities requested by Sport England.</p>
7.19	<p>The remainder of the land south of Camp Road will be residential or green space with the exception of Building 488, the lamplighter building, a former dining room and Institute Building. After pressure from the Conservation Officer, this building, previously to be demolished, has been saved and will provide approximately 1,500 sq metres of B1 floorspace after it has been refurbished. This is another gain as it is one of the few buildings identified as making a positive contribution to the character and appearance of the conservation area and its loss would have been regretful. So keeping it is in line with stated national and local policy on heritage and conservation, and complies with D7, EMP1 and EMP4 of the NSCLP to seek mixed uses and employment opportunities.</p>
7.20	<p>The residential uses south of Camp Road will be dominated in many respects by the retention of the bungalows. In the report to Committee on application 10/00640/F, it was stated:</p> <p>“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 RCDB 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.....</p> <p>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</p>

	<p>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. Officer's 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."</p>
7.21	<p>The implication that their retention will have an opportunity cost has come to pass and the development zone has been extended west beyond Buildings 581 and 582, the former store and hospital, on to land formerly part of the sports field. This loss of open space (POS) will be addressed below but in terms of sensitivity, it will not harm any heritage assets and this includes not just those on the base but the Rousham vista which has been assessed by landscape consultants working for CDC. In fact with all the new housing proposed in this area being single and two storeys (specified on the parameter plan) there will be a limited visual impact.</p>
7.22	<p>Some residential development will be three storey south of Camp Road but only to frame the parade ground, a positive visual enhancement that will further improve the setting of this space, and to Camp Road itself, again to create a space and active village frontage to the street.</p>
7.23	<p>The thrust of the proposed masterplan for the whole site is to retain and develop the best of what exists. So, on the south side the road layout utilises very much what is there now, although a new loop will be created to make the residential area more accessible and allow bus penetration. There will also be new routes for pedestrians and cyclists along green corridors. There will also be important areas of open space retained, Carswell Circle, another key open space which reflects the garden city movement of the 1920's, and a new surface water attenuation feature consisting of swales with a green corridor running along the old boundary between the sports field and the settlement area. Again this is in line with CDC's policies to create SUDs and areas for ecology. The intention is also to demolish the gymnasium and create a new area of open space although Sport England have requested the developer to reconsider this element. As the running track and football pitch are to be retained, as well as the other softball/baseball/tennis courts outside of the application site, it is one part of the scheme that may be revisited in the future and could be used to provide changing facilities and other internal recreation uses required by the development to meet CDC's recreational requirements.</p>

7.24	<p>Turning to the north side of Camp Road, the layout is dominated firstly, by the huge A frame hangers which run within the boundary of the site clearly demarcating the break between the settlement area and the flying field, and which will be retained and used for commercial operations (Class B1, B2 and B8). And secondly, the trident layout, another key space that dominates the character of the technical area. This space is proposed primarily for residential use with large buildings in landscaping to reflect the campus nature of the area. If and when developed this will be the most likely part of the site to provide flats (87 units are proposed) and a higher density to create the balanced and mixed community that we seek at Heyford.</p> <p>The concept of the design has been worked up closely with English Heritage who have encouraged the larger scale buildings in an almost haphazard arrangement to reflect the random historic nature of this part of the site. Officers have expressed some reservations about the details shown on the masterplan, which may be a drafting error but there appears to be an over dominance of parking rather than landscaping, but revisions have been submitted which seek to strengthen the avenue planting, reduce parking and treat the surface details in a way to soften the impact of any development.</p>
7.25	<p>Other housing was proposed to the east of the site in the Trenchard Circle area. There is already residential use here, primarily a group of bungalows and the officers housing. The latter form an attractive low density group of red brick houses built in two phases, in the 1920's and 1950's, and which are set off by their attractive mature, landscaped surrounds. Because of the quality of this immediate environment Officers requested housing in this part of the development was omitted and the applicant has agreed.</p>
7.26	<p>Turning finally at this point to the heart of the scheme and Camp Road. Surprisingly Camp Road is not identified as one of the important spaces at Heyford which may be an omission. Certainly there is no in depth assessment of its quality although it was discussed at the Inquiry and its strong straight military line is clearly an important feature in the landscape of the base. Its treatment in this application varies along its length. In maintaining this feature the architect has to consider other matters such as road safety, traffic calming, crossings, etc. The proposed solution is to vary the treatment along different parts of the road. At either end are gateways, a suggestion taken from the RCPB 2007 that advocates some form of landmark entry to Heyford, and at which point traffic speeds drop to 30mph. It is hoped at the centre to drop this to 20mph through a mixture of constraining traffic, surface treatment, cross routes, boulevard planting and direct frontages of some new houses on to the road.</p>
7.27	<p>Whilst Officers are very supportive of these ideas it is felt that they could be taken further. It would be, for example, an opportunity to create a more pedestrian friendly environment if the main traffic could be dog legged and routed around the north side of the Local centre. The space left can still be</p>

	used as a public transport corridor but would also be a public square or piazza for shoppers, visitors and other pedestrians and cyclists. This is an issue that has not been quite resolved between the officers and applicants but it is suggested that a condition be imposed so the details of this area's public realm can be drawn up in advance of the main development taking place. The success of this element of the scheme could be crucial in the success, or otherwise, of the new settlement.
7.30	<b>Impact on the Conservation Area and other Heritage Issues</b>
7.31	At the last Inquiry for what was, of course, a much bigger scheme and dealing with areas considered to be more sensitive from a heritage viewpoint, The Secretary of State concurred with the Inspector that achieving the preservation of the character and appearance of the Conservation Area through the reuse of buildings, as proposed, would outweigh the harm caused by any increase in employment (although clearly he did restrict the open car processing on the flying field). In fact the focus of the Inquiry was dominated by the flying field rather the settlement area from the heritage perspective.
7.32	It is the view of English Heritage that the proposed revised masterplan reflects a real gain in heritage terms compared with the approved scheme. The expansion of the developable area does not detract from conservation area or setting of listed buildings. More buildings of historical interest are being retained. The form of the parade ground is being restored. The retention of the bungalows is a small gain in heritage terms.
7.33	<p>Since the Inquiry there has been one significant change in policy in so far as PPS3-Planning for the Historic Environment was issued last year. In it, the Government's objectives for planning for the historic environment are set out as:</p> <ul style="list-style-type: none"> <li>• “to deliver sustainable development by ensuring that policies and decisions concerning the historic environment: <ul style="list-style-type: none"> <li>— recognise that heritage assets are a non-renewable resource</li> <li>— take account of the wider social, cultural, economic and environmental benefits of heritage conservation; and</li> <li>— recognise that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term.</li> </ul> </li> <li>• to conserve England's heritage assets in a manner appropriate to their significance by ensuring that: <ul style="list-style-type: none"> <li>— decisions are based on the nature, extent and level of that significance, investigated to a degree proportionate to the importance of the heritage asset</li> <li>— wherever possible, heritage assets are put to an appropriate and viable</li> </ul> </li> </ul>

	<p>use that is consistent with their conservation</p> <ul style="list-style-type: none"> <li>— the positive contribution of such heritage assets to local character and sense of place is recognised and valued; and</li> <li>— consideration of the historic environment is integrated into planning policies, promoting place-shaping.</li> </ul> <ul style="list-style-type: none"> <li>• to contribute to our knowledge and understanding of our past by ensuring that opportunities are taken to capture evidence from the historic environment and to make this publicly available, particularly where a heritage asset is to be lost.</li> </ul>
7.34	<p>Although this site has been subject to numerous studies, it is still a requirement to make use of this evidence base and assess the significance of the heritage assets. (Policy He, HE6 and HE7). The effect of an application on the significance of such a heritage asset or its setting is a material consideration (HE8). Policy HE9 sets out principles to guide consideration on heritage assets whereby the more significant an asset the greater the presumption to keep it. Assets can of course include a wide range of assets including gardens. Where substantial harm is caused consent should be refused. However there are exceptions including where it is necessary to deliver public benefits, if an assets prevents reasonable use of the site or the loss of an asset is outweighed by bringing a site back into use. Interesting, bearing in mind the current application for the site to gain World Heritage Status, HE9.5 makes clear that not all elements of a World heritage Site or Conservation Area necessarily contribute to its significance. There also has to be an element of place-shaping where it may be desirable for an asset can be developed. Policy HE11 deals with enabling development but the applicants maintain the appeal was not fought on the grounds that permission should be granted as if it were enabling development and likewise, this proposal is not considered to be enabling development and should not be seen as such.</p>
7.35	<p>What is clear is the applicants have submitted an Environmental Statement in which Archaeology and Cultural Heritage are assessed. A number of conclusions are reached including:</p> <ul style="list-style-type: none"> <li>• The northern area (flying field) is where most the highest level of heritage potential exists;</li> <li>• The only area of high significance for heritage value are the two scheduled ancient monuments, the Hardened Telephone Exchange and the Command Centre</li> <li>• Overall the more significant buildings and areas would not be impacted by the development</li> <li>• Mitigation is proposed by recording</li> <li>• And there is a beneficial effect from the heritage centre, open days and better access proposed.</li> </ul>

7.36	So, the details of the scheme are discussed elsewhere but it is the Officer's conclusion that what is proposed does not conflict with the policies set out in PPS5, nor with local policies, and that appropriate conditions and obligations can be used as advised in HE7.7 where loss is justified on the overall merits of the application. Furthermore, the present application reduces the amount of demolition and increases the preservation of assets identified in the CAA and RCPB which were previously proposed to be lost. The proposed scheme is part of wider application in which there are considerable social, economic and cultural factors applicable. The changes proposed are considered to make those assets retained more viable in the long term. And finally, there is a clear opportunity for the development being proposed to contribute to our knowledge and understanding of the historic environment particularly relating to the Cold war period.
7.37	It is also reconfirmed that the Rousham vista will not be affected by the current proposal.
7.38	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 by a third party for world heritage status. 38 Sites across the UK have made applications. These will be assessed by an expert panel appointed by the Government (not English Heritage) and it is hoped that the Government will publish a Tentative list of sites that they consider meet the criteria for WHS status in spring 2011. The 3rd meeting of the expert panel was believed to have taken place on the 17 February and a report of the sites that have made it on to the tentative list is supposed to be circulated to Ministers at the beginning of March. The tentative list would be submitted to UNESCO at the end of March. Those sites that make it on to the tentative list will be submitted to UNESCO for consideration one at a time from 2012 onwards. There will not necessarily be a UK application for WHS status every year.
7.39	<b>Access and Highways</b>
7.40	OSP H2 required the new settlement to be designed to encourage walking, cycling and public transport rather than the private car. It is recognised that the development conflicts with the objectives of PPS 13-Transport but that normal sustainability objectives have to be set aside as a means of facilitating the remediation of the former airbase.
7.41	<p>This is worked up in the RCPB where three policy objectives are set out in relation to transport:</p> <ul style="list-style-type: none"> <li>• MEASURES TO ENCOURAGE WALKING AND CYCLING AND THE USE OF PUBLIC TRANSPORT FOR TRIPS WITHIN THE SETTLEMENT WILL BE REQUIRED</li> <li>• MEASURES TO ENCOURAGE THE USE OF PUBLIC TRANSPORT</li> </ul>

	<p>FOR TRIPS TO OTHER MAJOR CENTRES WILL BE REQUIRED</p> <ul style="list-style-type: none"> <li>MEASURES TO MINIMISE THE IMPACT OF TRAFFIC ON THE SURROUNDING ROAD NETWORK THROUGH VILLAGES, AND TO THE WEST, WILL BE REQUIRED</li> </ul> <p>The policies UH1 and UH3 in NSCLP also repeat these requirement</p>
7.42	<p>Due to the level of traffic likely to be the same as the previous proposal the highway authority have not required a new Transport assessment (TA). They and the applicants have agreed that mitigation measures previously required are still necessary and have been incorporated into the draft heads of terms for the s106 agreement for this application. The Environmental Assessment advises that although floor levels rise for B1 use in the proposed scheme the overall result is one additional vehicle every 4 minutes in the peak flow, a very marginal increase in traffic terms. The TA from 2007 has been submitted as an appendix with the EA.</p>
7.43	<p>The Design and Access Statement looks at traffic and movement in connection with the development at the site mainly from an internal perspective. It looks at the connectivity to the surrounding district and the need to improve transport especially in terms of bus services and HGV traffic. The route for HGV's to access the flying field site has been agreed at the Inquiry. They will primarily be directed to/from the motorway and when arriving at Camp Road access adjacent the officer's mess before circling around the outside of the new residential zone and on to the flying field.</p>
7.44	<p>A hierarchy of roads has been created although bearing in mind the limited scale of development permitted there are not too many roads to classify. Camp Road is clearly the principal road taking the majority of vehicular traffic. There is a looped circulatory route to the south through the residential area. There is also a more modest circulatory route around the proposed housing and circulating the trident area. Below that is a network of residential streets largely based on the existing layout. The southern circulatory route is also that which will be used by the bus service from Bicester that can swoop through the estate and out in the direction from whence it came having collected or deposited its passengers</p>
7.45	<p>The hierarchy of streets has been drawn up to demonstrate through a series of cross sectional drawings how they work with roads drawn to cater for HGV's and major traffic flows, e.g. Camp Road, to the smaller mews, green lanes and shared drives where pedestrians should be given primacy.</p>
7.46	<p>At a level even below that are routes designed to give pedestrians and cyclist's safe and easy passage around the settlement. They are to be dedicated paths or shared surfaces.</p>

7.47	<p>Clearly all this is laudable, good intentioned and reflective of the policies listed above. However it can only succeed with a combination of carrot and stick and the County Council have repeated their requirements for a major raft of conditions and obligation to improve the site's accessibility and these are run through below.</p>
7.48	<p>The Highway Authority advise: the traffic impact work which was undertaken for the 2007 application has been updated. The traffic generation of the application remains unchanged compared to that studied previously albeit for a slight increase due to general growth. The applicant has produced a supplementary Transport Assessment.</p> <p>The general location of the application site is not particularly well serviced by public transport compared to the level of service the Council wishes to provide. Compared to many other sites and locations accessibility is dominated more by the motor car and has relatively poor support in terms of public transport.</p>
7.49	<p>The transport impact will need to be mitigated by a number of measures:</p> <ul style="list-style-type: none"> <li>○ Internal estate development (pedestrians, cycles, buses, road layout etc)</li> <li>○ Improvements to external locations (traffic calming, rights of way improvement etc)</li> <li>○ Improved public transport services</li> <li>○ Improved travel planning</li> </ul>
7.50	<p><u>Public Transport</u></p>
	<p>Contributions already secured from other permissions should be brought forward but in addition, if this permission is implemented, contributions will be required of £705000 to be paid on the first occupation of new build dwelling or the first occupation of previously unoccupied commercial floor space however a notice period of 3 months will be required to be able arrange service improvements ready for the first occupation. A second contribution of £705,000 will be paid on the occupation of the 408<sup>th</sup> dwelling (109<sup>th</sup> new build). The payments are a full settlement of the provision of improved public transport. If the revenue receipts balance the contribution then any remaining money will be returned to the developer.</p> <p>Details are require of the route for buses around site to provide turning of the bus for the out and back service to Bicester or to provide a turning facility close to Camp Road whilst ensuring that bus stops are in place to get as many dwellings within the shortest walking distance as possible. The bus route must be designed to the County Councils standard for adoption for buses to be able to use the route. Details will include all bus stop facilities.</p>

The calculation is based on two sums of £705000 per annum (up to 408 dwellings then the remainder of development) which are the costs of provided to the two stepped service upgrades based on phases which the developer has indicated.

The commuted sum is a one off payment which is paid to cover all of the Councils costs over the term of the contribution period.

The commuted sum is calculated from assuming full contribution in year one (£214000) to a nil contribution after 15 years as the sum required to invest to return the appropriate payments on an annuity basis. The calculation is based on the frequencies of the 6 year contract which the Council uses. This option assumed a full contribution for the first few years until a contract is re-negotiated. The step down in contributions is done in 4 parts. Also this calculation ignores the initial higher cost of improving the service mid contract which the Council would bare.

A 15 year return period has been chosen because the current patronage has been compared to the information in the transport assessment and discrepancies have been found. The current daily average of tickets issued from Upper Heyford is about 54 a day. To get viability it would need about 200 a day. Even the best of modal shift initiatives doubles public transport patronage. The figures are based on sharing the risk between the Council and Dorchester. If we were to choose the method of making the contribution proportional to the patronage then Dorchester would not cease making payments. The annual scrap of assessing the figures would take a fair amount of effort on both sides and to be honest the contribution coming from that calculation would only be stored until the next contract was signed. So it would be much more efficient to spend the money at the beginning of each contract or service review. By having the money available at year one would mean that the Council could direct that money much more effectively.

The one off payment would allow the Council to use the money as effectively as possible, and prevent the need for an annual negotiation. The travel plan would then just need to concentrate on dissimilation of information and encouragement for residents to use public transport.

The applicant will pay two contributions to improve the public transport provision to the application site to and from Bicester and Oxford. The first contribution is based on the service provision specification and draft

	<p>timetable as attached. The second contribution enhances that service further to the provision set out by the Inspectors report of 11<sup>th</sup> January 2010 (Annex 3, Part 1, bus services specification dated 25<sup>th</sup> June 2010)</p> <p>The payment of the public transport contributions will be indexed from date of the issue of the consent to the date of the payment using the Oxfordshire Public Transport Index.</p> <p>Details to be submitted for the route for buses around site to provide turning of the bus for the out and back service to Bicester or to provide a turning facility close to Camp Road whilst ensuring that bus stops are place to get as many dwellings within the shortest walking distance as possible. The bus route must be designed to the County Councils standard for adoption for buses to be able to use the route. Details will include all bus stop facilities.</p> <p>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 was agreed on the previous application to retain the bungalows.</p> <p>The extant conditions set out by the inspector include for a shuttle bus service for commercial uses on the flying field to link up with the public transport service. Whilst this is not part of the application, it is essential that this is retained in the agreements. It is a valuable method of encouraging those employees on the flying field to use public transport.</p>
7.51	<p><u>Travel Plans:</u></p> <p>A travel plan is required for any part of the site to be approved before it is developed. This will also entail a fee for monitoring and discharging (£5,000).</p> <p>A travel plan has not been produced. However the basis for a travel plan has been set out in the transport assessment and transport strategy framework. The framework is not in an acceptable form however the applicant will be required to produce the document prior to the application being presented to Committee.</p> <p>The concept of the travel plan thus far agreed with the applicant is such that suitable initiatives and targets are agreed which will produce a shift from</p>

	<p>travel from the car onto public transport. The location of this development is not particularly accessible. The previous hearing in front of an Inspector highlighted this fact and in the light of the Inspectors decision the County Council is reluctant to refuse the application because recent investigations have confirmed that there may not be enough bus patronage generated from development to deliver a self financing bus service. The applicant is aware of this. The outcome is that an appropriately structured bus service contribution will be needed to obviate this pressure.</p>
7.52	<p><u>Public Rights of Way:</u></p> <p>Within 3 months of the date of this permission, details of the surface treatment of the linking sections across the runway of Aves Ditch "optional route" and of Portway, as indicated on Plan Ref L10B shall be submitted to and approved in writing by the Local Planning Authority. Within 18 months of the date of the approval of those details the Aves Ditch and Portway sections identified on Plan Ref: L10B and L10A shall be implemented in accordance with such approved details and thereafter made available for use by the general public.</p> <p>Access to the countryside needs to be improved with bridleways and footpaths up graded and created. For which there is a likely cost of up to £197,000</p>
7.53	<p><u>Highway works:</u></p> <p>A range of highway engineering works are required:</p> <ul style="list-style-type: none"> <li>• Within 3 months of the granting of consent install automatic traffic counters at access points (junctions of the development roads with Camp Road between and including Chilgrove Drive up to but excluding Kirtlington Road).</li> <li>• External works (Annex B in Inspectors report of 11<sup>th</sup> January 2010): on the granting of consent the improvement works details to the junction (intersection of B430 and B4030) in Middleton Stoney have been submitted agreed and implemented to those details.</li> <li>• External works (Annex B in Inspectors report of 11<sup>th</sup> January 2010): prior to the occupation of the 500<sup>th</sup> dwelling or more than 50% increased floor area of the commercial use (which is not occupied at the granting of consent) shall not take place until improvement works details to junction 10 of the M40 (figure 36 carriageway marking alterations) have been implemented.</li> <li>• External works: on the first anniversary of the commencement of the</li> </ul>

	<p>construction of the first dwelling or the occupation of the 50<sup>th</sup> new dwelling the applicant will pay an initial instalment of £11K to the County Council in order to undertake consultation and investigation works into providing traffic calming at the villages of Fritwell, Ardley, Bucknell, Middleton Stoney, Kirklington, Lower Heyford, Steeple Aston, Middle Aston, The Bartons, North Aston, Somerton and Upper Heyford. If the County Council determines to proceed with all or any of the works the applicant will pay on receipt of invoice the County Councils reasonable costs for the design and construction of all the works as being identified as required. The applicant will be expected to pay a maximum of £55,000 for these works.</p>
7.54	<p><u>HGV Routes</u></p> <p>Routing agreements will be required to ensure that the main HGV routes do not impinge on the central area which is being designed as a local centre.</p>
7.55	<p><u>Design Codes:</u></p> <p>No reserved matters application to be submitted until design codes for each phase (all new build areas) have been submitted and agreed. Transport and highway related parts of the Design Code shall consist of surface water control, car and cycle parking, and street realm design (estate layout and surface specification</p> <p>Details to be submitted of the detailed pedestrian and cycle routes to link the various land uses using designed which provide the shortest routes and to appropriate standards.</p> <p>No reserved matters application to be submitted until phasing details are submitted and agreed.</p>
7.56	<p><u>Camp Road</u></p> <p>Re-design of including the local centre: supply detailed design to increase pedestrian use, reduce vehicle speeds and to provide a more balanced and sustainable environment.</p>
7.57	<p><u>Drainage:</u></p> <p>For all new build areas no works will commence until a scheme for the sustainable method of surface water disposal (both for new roads and all</p>

	other hard surfaces) has been submitted and agreed.
7.58	<p><b>Housing</b></p> <p>The Government policy in terms of housing is set out in PPS 3-Housing:</p> <p>“In support of its objective of creating mixed and sustainable communities, the Government’s policy is to ensure that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure. This should be achieved by making effective use of land, existing infrastructure and available public and private investment, and include consideration of the opportunity for housing provision on surplus public sector land (including land owned by Central Government and its bodies or Local Authorities) to create mixed use developments. The priority for development should be previously developed land, in particular vacant and derelict sites and buildings.” (Para 36).</p> <p>This is backed up by policy H2 from the OSP, the RCPB 2007 and the policies set out the NSCLP UH1-UH4. The principle of the residential development accords with these policies in particular the number of units proposed, 1,075, albeit slightly more than the policy identifies but which has now been accepted through the appeal process.</p> <p>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 guaranteed 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.</p> <p>The application is in outline so limited details are provided. The density is 30 dwellings per hectare so fairly modest but not inappropriate in this rural location, and this includes the retention of the large number of single storey dwellings that are extremely low density.</p> <p>The masterplan and Access and Design Statement set out the design guideline principles and provide sketches for some, though not all, of their character areas. The principle seems to follow the advice for “Built Form” set out the RCPB. To ensure the proposed housing meets the high quality required by the RCPB the permission should be conditioned that development must comply with design codes agreed in advance with the Planning Authority.</p>

	<p>There are two other significant things from the Officers point of view. The first is delivery and bearing in mind the situation elsewhere in the District, this is a site allocated for development where if the permission is in place will make it easier to resist less acceptable green field sites currently being proposed for housing elsewhere.</p> <p>And secondly is the issue of affordable housing. Negotiations have been on going for some months over the form of social housing, the type, tenure, mix, location etc. These talks have concluded with agreement that what will be provided broadly complies with our guidance set out in the CDC Code of Practice and Obligations Guidelines so 30% will be affordable and 50% built to lifetime standards. This is a significant achievement at a time when grant for social housing is extremely difficult to obtain.</p>
7.59	<p><b>Section 106 Agreement</b></p>
7.60	<p>In the RCPB 2007, it is made clear that “the Council will seek appropriate S106 planning obligation agreements as required to secure the provision of facilities to serve the settlement, appropriate phasing of delivery and the delivery of the requirements of Policy H2.” The applicant has prepared a set of “heads of Terms” in accordance with normal practice and the Council’s validation requirements. The terms have been subject of negotiation both prior to submission of the application and in the course of processing it. They are considered to meet the tests of Government Circular 05/05: Planning Obligations together with the policies and terms set out in the Council’s Local Plan policies and SPD’s.</p> <p>The existing approved scheme for the comprehensive development of the former Upper Heyford Airbase already has a detailed Unilateral Undertaking setting out a range of obligations which apply to the New Settlement Area and the Flying Field. Some of these obligations have already been triggered and acted upon. As Dorchester have decided to amend the housing solution and submit a new outline application for the New Settlement Area it will be necessary to restate those obligations that relate to the New Settlement Area as set out below; the remainder of the obligations relating to the Flying Field will remain unchanged but for ease of reference will be incorporated in a new obligation, for avoidance of doubt this will cover the Heritage Centre, Flying Field Management Plan and on and off site countryside access measures.</p> <p>The following obligations will be contained within the Agreement:</p>
7.61	<p><b>Affordable Housing</b></p> <p>The development will ensure the provision of 30% of the additional dwellings in the development as affordable housing units. This will be provided as either shared ownership units (to be provided at between 25% and 75% shares with an average of between 40 and 50%), discount market sale at a</p>

	<p>level which is deemed to be affordable under the Council's policy for DMS (for those residents wanting to stay in their existing homes) or intermediate rent (80% of market rent) or the emerging class of affordable rent at up to 80% of market rent (capped at LHA caps). The affordable housing will be located across the development, and comprise a mix of sizes and tenures dependent upon the needs of the existing residents, who will be surveyed to establish this. These measures will seek to provide Affordable Housing for those existing residents who qualify for this benefit in accordance with the Council's Local Lettings Policy. The sizes of the units will be no less than:</p> <ul style="list-style-type: none"> <li>1 Bedroom Apartment (2 person)</li> <li>2 Bedroom Apartment (4 person)</li> <li>2 Bedroom House (4 person)</li> <li>3 Bedroom House (5 person)</li> <li>4 Bedroom House (7 person)</li> </ul> <p>The mix may also include a percentage of wheelchair accessible units which will be built to Habinteg wheelchair design guide (ed 2)</p> <p>50% of all units will need to reach Lifetime Homes Standards, and in other respects reach current HCA design standards.</p>
7.62	<p><b>Education</b></p> <p>The provision of additional homes on site gives rise to an increased demand on education facilities, as a result of this demand Dorchester will:</p> <p>Transfer a site for primary education to OCC and pay an education contribution toward the provision of a primary school along with the payment of a contribution to the County Council towards the provision of new or the improvement or expansion of existing secondary schools in Bicester, and special education needs. It has been agreed that the contributions will be based on pupil numbers and the government published per pupil contribution ratios. Pupil modelling is underway, and will be agreed prior to the signing of the s106 agreement.</p> <p>The site for the school is identified on the masterplan. It is required to be 2.2ha in size, and serviced and remediated by mid 2012. Other contributions sought by the County include:</p> <p><u>Primary School:</u></p> <ul style="list-style-type: none"> <li>Provision for an on-site facility <ul style="list-style-type: none"> <li>• a maximum of £5.53M</li> <li>• actual sum calculated as £15,800 per primary school or Early Years childcare place.</li> </ul> </li> <li>For Off-site provision of primary school places <ul style="list-style-type: none"> <li>• a maximum of £4.94M</li> <li>• actual sum calculated at £14,116.57 per primary school or Early Years</li> </ul> </li> </ul>

	<p>childcare place If there is a combination of these the overall maximum shall not exceed £5.53M(£4.86m)</p> <p><u>Secondary school provision (not at Heyford Park)</u></p> <ul style="list-style-type: none"> <li>• £5.53M (£4.86m) towards facilities provided at a new site (e.g. at Bicester South West) or</li> <li>• £4.69M (£4.12) towards expanding facilities at existing schools.</li> </ul> <p><u>School Transport costs</u></p> <ul style="list-style-type: none"> <li>• £200,000 (£176k)towards costs of transporting children to Tackley Primary School and secondary schools in Bicester and Woodstock</li> </ul> <p><u>Removal of redundant facilities</u></p> <ul style="list-style-type: none"> <li>• £40,000(£35k)towards the removal costs of temporary buildings at Tackley Primary school.</li> </ul> <p>The figure in brackets represents an adjustment to the sums based on the index linking set out in the existing unilateral agreement. At present there is a difference between the County Council's calculated requirement of £8,079,502 towards education and that of the applicant at £5,248,415 (the applicant's figures). The difference is believed to be as a result of differences in the way the total sum is calculated rather than the principle of the calculation.</p>
7.63	<p><b>Transport</b></p> <p>A commuted payment of £705,000 will be payable on the first occupation of a new build dwelling, with a further £705,000 to be paid on occupation of the 109<sup>th</sup> new dwelling. These payments are contributions towards enhancements to public transport serving the development. Both of these payments are based on an extra bus cost of £214,000 – this will be verified before signing of the s106 agreement. There will be a claw back provision if OCC fail to deliver the service as agreed within 15 years, and in the event that breakeven is reached sooner than 15 years from the first payment.</p> <p>A routing agreement is also required</p>
7.64	<p><b>Countryside Access</b></p> <p>Payments have previously been agreed and need to be reaffirmed to improve local footpaths and bridleways. A total sum of £197,000 is required to be paid in two tranches.</p> <p>Aves Ditch and the Portway need to be brought in to use</p>
7.65	<p><b>Highway Improvement Works</b></p> <ul style="list-style-type: none"> <li>• Up to £66,000 is require for traffic calming of the surrounding villages,</li> </ul>

	<p>if required.</p> <ul style="list-style-type: none"> <li>• Middleton Stoney Junction Improvements</li> <li>• Improvements to Junction 10 of the M40.</li> </ul>
7.66	<p><b>Sport, Community, Open Space and Children’s Play Areas</b></p> <p>The provision of sport, community, Open Space and/or children’s play facilities within the NSA on the development in accordance with the District Council’s policy, and either:</p> <ul style="list-style-type: none"> <li>• payment of a contribution towards the provision of indoor sport serving the development (£326,000), or the option for the provision of indoor facilities on site to serve the development or an off-site contribution towards indoor sport. The size of contribution should accord with the Local Authority’s development plan documents relating to planning contributions.</li> <li>• Provision of two pavilions or changing facilities to support the proposed new playing fields adjacent to Upper Heyford Airfield and the existing playing fields to the south of Camp Road.</li> </ul> <p>The facilities will either be managed in perpetuity by the base management company or put up for adoption by the local authority.</p>
7.67	<p><b>Heritage</b></p> <p>The use of buildings 126, 129 and 315 for heritage use/centre and financial contributions towards securing their provision</p>
7.68	<p><b>Management Company</b></p> <p>A mechanism for the future management and maintenance of the facilities to be provided as part of the proposed development including the common areas of the NSA.</p>
7.69	<p><b>Public Art</b></p> <p>Funding measures to secure the provision of public art as part of the development.</p>
7.70	<p><b>Adult Learning facilities and Library facilities</b></p> <p>Payment of a contribution to the County Council to improve facilities serving the development</p>
7.71	<p><b>Waste Management</b></p> <p>The provision of waste management facilities for the development. In addition, contributions will be made towards the provision of waste disposal</p>

	sites for the development and the implementation of initiatives to promote recycling.
7.72	<p><b>Social and Healthcare</b></p> <p>If it deemed necessary to serve the residents of the proposed development measure will be included to fund the upgrading of day care facilities. Dorchester will refurbish the existing community hall if required and provide a neighbourhood police facility provided that it will be staffed</p>
7.73	<p><b>Retail</b></p> <p>Provision will be made on the proposed development to offer an appropriate range of retail services to meet the needs of residents.</p>
7.74	<p><b>Nursery</b></p> <p>Provision will be made on the proposed development to offer a nursery or site for a nursery.</p>
7.75	<p><b>Security Fence</b></p> <p>To be removed and a scheme of boundary treatment to be agreed.</p>
7.76	<p><b>Monitoring Sum</b></p> <p>A sum in the order of £5,000 for CDC and £9,000 for the County is likely to be required to be paid on commencement of development of the new build</p>
7.77	<p>In concluding on the issue of s106 matters, it should be said that so far there has been a constructive three way dialogue between the applicant, the County Officers and those of CDC. However, we all recognise that even in the space of the two years since the Public Inquiry took place, despite the two local authorities have firm adopted policies on obligations, circumstances have changed due the changes in the economic and political climate. Should resolution not been reached on the current negotiations there is a fall back position that we all recognise by the existence of the unilateral undertaking secured at the Inquiry.</p>
	<b>Other Issues:</b>
7.78	<p><b>Residential Amenity</b></p> <p>Whilst the proposal integrates residential development with commercial</p>

	<p>activity in line with the guidance contained in the NSCLP and PPS3, the issue of residential amenity has to be a major consideration bearing in mind the industrial operations likely to be undertaken in some of the A frame hangers and proximity to the proposed residential buildings. Some survey work has been undertaken as part of the Environmental Statement but it is recommended a further assessment is undertaken as required by the existing permission.</p>
7.79	<p><b>Education</b></p> <p>The issue of education is a very important one at Heyford. At present children travel to be educated at Tackley. A primary school is a requirement under OSP H2, the RCPB 2007 and under policy OA2 of the NSCLP. The masterplan allocates land for a school, centrally located in the settlement area making it accessible and a potential fulcrum for the community. This meets the Council's requirements in terms of size (a site of 2.2 hectares is required), layout and open space.</p>
7.80	<p>However, the key issue is how the school will be delivered under the terms of the planning agreement. As part of the current planning application the applicant has requested that any new agreement has provision to either transfer ownership of the primary school site and make the education payments (as per the extant S106), or provide education at Heyford Park through the provision of a "Free School" (subject to DfE agreement and planning). The applicant has clarified that the Free School would provide primary aged education. The applicant is also discussing with the County Council the idea of a Free School, on a different part of the application site (Building 74-the Officer's Mess) that would provide an all through facility (aged 3-15 years) for about 1,000 pupils.</p> <p>This approach raises concerns for the councils. The start point in dealing with this application should be to secure an agreement that provides certainty in provision for primary education (effectively as good or better than the appeal unilateral undertaking).</p> <p>The optional arrangement not only creates uncertainty about how education will be delivered at Heyford, but also raises questions about future strategic planning for secondary education in the wider area. Bicester is the planned location for secondary expansion as it meets the needs of a growing settlement and aids efficient home to school journeys.</p> <p>This matter must be resolved before the application is determined. It may be necessary to contemplate a deferral to allow further exploration of this issue, or to consider refusal on this point alone.</p> <p>Officers will report the latest position at the meeting.</p>

7.81	<p><b>Employment</b></p> <p>To make the community sustainable it is necessary to provide employment opportunities and this is set out in OSP H2, RCPB and UH1(iii) of the NSCLP.</p> <p>“The RCPB states: The site is located in an unsustainable location and therefore, if it were not for the proposed dwellings, the site would not be viewed as a suitable location for employment generating development. However, to create a sustainable settlement, the opportunity for employment accessible to the residents should be provided. 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.”</p> <p>It goes on to say:  “A RANGE OF EMPLOYMENT OPPORTUNITIES SHOULD BE PROVIDED TO MEET THE NEEDS OF THE RESIDENTS AND THE NUMBER SHOULD REMAIN APPROXIMATELY IN BALANCE WITH THE ECONOMICALLY ACTIVE POPULATION.”</p> <p>The RCPB seeks to avoid an over-reliance on one employer and one type of employment. At the moment the car processing operations do provide a stable economic base to the site and probably about a third of the total employment population. However, there is currently a wide range of commercial organisations on site ranging from storage to the police to research and development. They are also accommodated in a wide range of buildings. The RCPB seeks high density employment to make best use of the previously developed site. The current application sees the level of employment rising from 1000 to 1,150 employees so a modest increase.</p> <p>The final concern about the current proposal is the level of general industrial floorspace, over 20,000 square metres. The concern arises from proximity to proposed residential property. However this figure is what was approved at appeal so why it may be of concern to the Planning Authority the Secretary of State did not think likewise. Conditions to protect residential amenity were imposed previously and should be again.</p>
7.82	<p><b>Open Space, Landscaping and Recreation</b></p> <p>A green infrastructure parameter plan has been drawn up. This identifies the large areas of the settlement where sport and public open space are proposed. These will be linked by a series of green routes for use by pedestrians and cyclists. Structural planting is also proposed particularly along the exposed southern boundary. A surface water attenuation scheme</p>

	is also proposed to run along the boundary between the sports and settlement areas.
7.83	The landscaping in the trident area has been increased to strengthen the layout pattern and reinforce the avenue effect. Another key space as defined in the RCPB is the area in front of the officer's mess. This is one of 8 "doorstop greens" which are described as "green oasis for quiet local recreation and doorstep play". The parade ground is also identified to be a "community park".
7.84	In terms of recreation, the RCPB sets out a requirement for 3.8 ha of sports pitches and 1.9ha for children's play area. The architect has calculated in the Design and Access statement that provision for sport is 4.2 ha and for other informal recreation (NEAPs, LEAPs and LAPs) a total of 4.4ha although there is a certain degree of tenuousness in the calculations. The main recreation pitches are the running track and football pitch retained in the sports area, the new village green on the former playground and the area in front of the officer's mess where bowls and tennis can be played.
7.85	32 LAPs are scattered through the settlement and 4 LEAP's with a single NEAP located on the Green. To comply with our normal requirement for informal recreation space a second NEAP is required. This can be conditioned and one of the other less formal spaces upgraded.
7.86	The comments of Sport England are generally very supportive despite the loss of a portion of sports ground and the gymnasium building. The latter they still wish to keep despite consent for its demolition already having been granted. It is possible this may be another issue to be revisited as development get under way.
7.87	<b>Hotel/Care Home</b>  The use of the Officer's mess (Building 74) is already permitted for hotel use. The current application seeks to make that more flexible by combining it with a potential for care home. No supporting information has been found in the submitted documentation to explain the rationale behind such a proposal but in pre application discussion Officers were made aware of the concept that Heyford could provide accommodation for elderly people. The bungalows obviously provide single access living. He care facility could provide a greater degree of care for those who choose to live in the area and do not want to move on.
7.88	<b>Sustainability</b>  South East Plan policy NRM11: Development Design for Energy Efficiency and Renewable Energy states that: "In advance of local targets being set in development plan documents, new developments of more than 10 dwellings or 1000sqm of non residential

	<p>floorspace should secure at least 10% of their energy from decentralised and renewable or low carbon sources”.</p> <p>Whilst the Council does not have any adopted development plan documents, on 7 December 2009 the Council approved a ‘Planning Advice Note on Sustainable Construction’ which repeats the South East Plan guidance. The Sustainability Statement does not acknowledge this requirement but suggests a number of renewable energy sources which could be investigated later as part of the reserved matters application. It also suggests that a CHP/district heating feasibility assessment will be undertaken at a later stage in the proposals. However, effective CHP depends on appropriate minimum densities (35-50dph) and so is best considered at an early stage.</p> <p>The Draft Core Strategy suggests that reductions in carbon emissions could be better met not through a 10% renewable energy requirement but through the use of comprehensive sustainable construction standards (such as the Code for Sustainable Homes), which could also meet wider policy objectives. Accordingly, Draft Core Strategy policy SD5 sets out local requirements for sustainable construction. The Sustainability Statement does not meet the requirements of this draft policy.</p> <p>Clarification could be sought on the references to the Code for Sustainable Homes within the Sustainability Statement. It refers varyingly to meeting Code Level 4, 5 and 6 (pages 24 &amp; 26), Level 4 in Appendix A and Level 3 or 4 in Appendix B – the aim appears to be that buildings will be constructed to the prevailing Building Regulations standard. However, the timetable for strengthening Building Regulations referred to in para 5.1.1 relates only to the energy element of the Code, not any other elements. The current Building Regulations standard for water efficiency is less stringent than even the ‘entry level’ of the Code for Sustainable Homes. Water efficiency cannot therefore be guaranteed by referring to “the prevalent Code for Sustainable Homes level” (page A.8). This is an issue of particular importance to Cherwell, which is within a water stress area, and Draft Core Strategy policy SD5 reflects this.</p>
7.89	<p><b>Protected Species</b></p> <p>PPS9 places a duty upon Local Planning Authorities to ensure that a protected species survey be undertaken prior to determination of a planning application. The presence of a protected species is a material consideration when a planning authority is considering a development proposal. PPS9 states that “It is essential that the presence or otherwise of a protected species, and the extent to that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”</p>

	<p>Local Planning Authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application, as prescribed by Regulation 3(4) of the Conservation (Natural Habitats etc) Regulations 1994 (as amended). Under art.12(1) of the EC Habitats Directive, Member States requires that a system of strict protection of animal species be established to prohibit the deterioration or destruction of their breeding sites or resting places. The result is that there is in practice two linked systems of regulation. First under reg. 39(1)(d) it is a criminal offence to damage or destroy a breeding site or resting place but under reg.44 this does not apply if a licence has been granted for such operations and Natural England being that licensing authority. Secondly where planning permission is required reg.3(4) provides that local planning authorities must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions and also the derogation requirements might be met.</p> <p>Para. 98 of Circular 06/05 states that Local Planning Authorities should consult Natural England before granting planning permission and the views of Natural England would clearly have to be given substantial weight. The Circular at para 121 affords protection to specific species of animals listed in Schedule 5 (see Table 2, Annex A of this Circular) under Part I of the Wildlife and Countryside Act 1981 (as amended).</p> <p>The advice of the Ecology Office and Natural England are set out above.</p> <p>The Environmental Statement assesses the site as low nature conservation value. However, two European protected species have been identified, bats (3 species) and great crested newts. There are also breeding birds on site. Demolition of buildings, home to the bats, and the relocation of the newts will need to be undertaken by licence from English Nature. Any trees removed will need to be removed outside the breeding season. Other mitigation measures are proposed such as replacement tree and hedge planting of native species, bird boxes, bat roost provision and creation of ponds suitable for newts. A condition would however be necessary to ensure that the scheme is undertaken in accordance with the Ecological appraisals and that if necessary further surveys are undertaken prior to the commencement of the development to ensure that up-to-date details and activity is known and dealt with accordingly.</p> <p>It is considered that art.12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development. The proposal therefore accords with PPS9 and policies C2 and C4 of the Adopted Cherwell Local Plan.</p>
7.90	<b>Building 572-The Church</b>

	<p>The issue of the church was discussed at the last appeal. The Inspector said “The Place of Worship is an existing use which appears to play a significant role in the existing community and its character. Its retention for a period of at least 10 years for worship or community use, if not permanently as condition 29 would require, would be necessary to help the new settlement develop its own community identity.”</p> <p>The issue has been raised again and it is suggested that the same condition previously imposed is reused. Certainly the church is shown retained on the Land Use Parameter plan.</p>
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8.0	<b>Conclusion</b>
	<p>The application is recommended for approval subject to conditions as and a s106 agreement. The principles behind this development were approved by the Secretary of State in the appeal decision last year. This scheme is a modification as a result of the retention of a greater number of heritage assets and a remodelling of the central area creating a village green. The consequence is an expansion of the development zone westwards on to recreational land</p>

<b>Recommendation</b>	
<p><b>Environmental Statement</b></p> <p>Regulation 21 of The Town and Country Planning (Environmental Assessment) (England and Wales) Regulations 1999 requires that where an EIA application is determined by a local planning authority the authority will inform the secretary of state and the public of the decision. The authority must also make available for public inspection the content of the decision and any conditions, the main reasons and considerations and a description of the main measures to avoid, reduce and off set adverse impacts.</p> <p>It is therefore recommended that this report (minus the summary of consultation responses) and the planning conditions are approved as setting out the main reasons, considerations and measures proposed with regard to the ES to comply with the requirements of Regulation 21 of The Town and Country Planning (Environmental Assessment)(England and Wales) Regulations 1999.</p> <p><b>Approval</b> subject to:</p> <ul style="list-style-type: none"> <li>▪ the conditions set out below and</li> <li>▪ the applicant entering into a section 106 agreement with the District and County Council as outlined above</li> </ul>	

## **SCHEDULE OF CONDITIONS**

- 1 That the buildings identified within the parameter change of use Plan No. 023D for B2 (General Industrial) use shall be used only for the defined purpose and for no other purpose whatsoever, including any other permitted change within that specific use class as identified within Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 1995.

Reason - In order to maintain the character of the area, control the flow of traffic to the site and safeguard the amenities of the occupants of the adjoining premises in accordance with Policy BE1 of the South East Plan 2009 and Policies C28 and C31 of the adopted Cherwell Local Plan.

- 2 That no development shall be commenced until full details of the layout, scale, appearance, access and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority. Plans and particulars of the reserved matters referred to above shall be carried out as approved.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010.

- 3 That in the case of the reserved matters, application for approval shall be made not later than the expiration of six years beginning with the date of this permission.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010.

- 4 That the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004,

and Article 4(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010.

- 5 The development referred to, if undertaken at all, shall be constructed strictly in complete accordance with the schedule of proposed uses specified in para 2.7 of the supporting planning statement to the application.

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 in PPS1: Delivering Sustainable Development.

- 6 The details required in accordance with Condition 1 shall be in general accordance with the provisions of Parameter Plans:

i) Illustrative Masterplan (Amended) 031 Rev M

ii) Development Uses 023 D

iii) Buildings and Roads Retained 011 D

iv) Access 028 D

v) Buildings Heights

vi) Green Infrastructure

And with the Environmental Statement dated October 2010; or with such subsequent amendments to any of the above as have first been submitted to and approved in writing by the Local Planning Authority.

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 in PPS1: Delivering Sustainable Development.

- 7 No reserved matters applications shall be submitted pursuant to the outline application or occupation of any buildings the subject of change of use, (other than those which are currently occupied) until such time as a phasing plan (to include demolition, the identification of the general location of affordable housing within each phase, the laying out of open space and play areas in accordance with the green infrastructure parameter plan and access proposals) has first been submitted to and approved in writing by the Local Planning Authority; and shall be implemented in accordance with such details as approved.

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 in PPS1: Delivering Sustainable Development.

- 8 No reserved matters applications shall be made for any phase until a Design Code for that phase of the New Settlement Area, as identified in Condition 6 above, has been submitted to and approved in writing by the Local Planning Authority.

The Design Code shall comprise:

- i) Land use, density, layout of streets and public spaces and character areas;
- ii) Landscape, including for the immediate setting of the new settlement, to include retained trees and vegetation, new planting, public open space, amenity space, children's' play areas, sports facilities, footpaths, public spaces, together with adoption arrangements and extent;
- iii) Surface water control, including design standards and methodology for sustainable drainage systems, details of specific features, including appropriate options for Sustainable Urban Drainage, swales, together with adoption arrangements and extent;
- iv) Public realm, including hierarchy of streets and public spaces, characteristics, dimensions, building line and or set backs, materials, means of enclosure, street furniture, including street lighting, and car parking, methods to control traffic speeds and create legibility, together with adoption arrangements and extent;
- v) Built form, including scale, materials, roof treatment, elevational treatment, treatment of landmark and marker buildings, key frontages and gateways;
- vi) Sustainable design, including the measures to be incorporated to ensure that the development complies with at least the minimum Code Level required by the Building Regulations in the Code for Sustainable Homes and to assess the impact this would have on appearance;
- vii) Car and cycle parking, including standards of provision by land use and dwelling type; and
- viii) Waste recycling, including how the Councils standards for individual householders' waste and recycling bins are to be accommodated within the dwelling curtilage and refuse vehicle access to these obtained.

The development shall thereafter be carried out in accordance with the approved Design Codes.

Reason: Design Codes, together with the Approved Master Plan, are required at the beginning of the development process to ensure that the subsequent reserved matters applications are considered and determined by the Local Planning Authority in the context of an overall approach for the site consistent with the requirement to achieve a high quality design as out in the Environmental Statement, the Revised Comprehensive Planning Brief for the site, and Policies UH4 of the Non Statutory Cherwell Local Plan, H2 of the Oxfordshire Structure Plan 2016 and comply with Policies CC6, CC7 and H5 of the South East Plan 2009.

- 9 No more than 1075 dwellings in total shall be accommodated on the site, including any existing dwellings which are to be retained.

Reason: The Environmental Statement has assessed the impact of a development of 1075 dwellings and demonstrates that a development of that scale will not have significant adverse effect. The development is therefore limited to the assessed development to ensure no impact occurs that has not been subject to assessment and to comply with the revised Comprehensive Planning Brief 2007 for the site, Policy H2 of the Oxfordshire Structure Plan 2016 and Policy H5 of South East Plan 2009.

- 10 None of the existing dwellings that are retained as 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.

- 11 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.

12 No development within any phase of the development shall take place, save for existing uses already in occupation at the time planning permission is granted, until there has first been submitted to and approved in writing by the Local planning Authority a scheme of landscaping for that phase 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.

(d) details of the soft landscaping, hard surfaced areas, pavements, pedestrian areas, crossing points and steps;

(e) details of laying out of Public Open Space;

(f) details of boundary treatments to each phase where appropriate (including retained security fencing).

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 C4 of the South East Plan 2009, Policy UH1 of the Non Statutory Cherwell Local Plan and Policy C28 of the adopted Cherwell Local Plan.

13 All planting, seeding or turfing comprised in the approved details of landscaping for each phase of the development hereby approved shall be carried out in the first planting and seeding seasons following the occupation of the final new building of that phase; and that any trees and shrubs which within a period of five years from the completion of the phase 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 C4 of the South East Plan 2009, Policy UH1 of the Non Statutory Cherwell Local Plan and Policy C28 of the adopted Cherwell Local Plan.

- 14 No works or development shall take place in connection with each phase or sub phase of the development until a scheme for the protection of the existing landscape features identified for retention under Condition 11 has been agreed in writing with the Local Planning Authority. This scheme shall include:
- a) a plan that shows the position, crown spread and Root Protection Area (paragraph 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.
  - b) the details of each retained tree as required at paragraph 4.2.6 of BS5837 in a separate schedule.
  - c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.
  - d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works.
  - e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).
  - f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
  - g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).

- h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837).
- i) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.
- j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
- k) the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the Root Protection Areas of retained trees.
- l) the details of the working methods to be employed for the installation of drives and paths within the Root Protection Areas of retained trees in accordance with the principles of "No-Dig" construction.
- m) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.
- n) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.
- o) the details of the method to be employed for the stationing, use and removal of site cabins within any Root Protection Areas (para. 9.2.3 of BS5837).
- p) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
- q) the timing of the various phases of the works or development in the context of the tree protection measures.

Implementation shall be in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure the continued health of retained trees and in the interests of the visual amenity of the area, to ensure the integration of the development in to the existing landscape and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 15 During the course of building operations or construction works on the site and at all reasonable times, the developer shall afford access to any archaeologist nominated by the Local Planning Authority and shall allow him/her to observe the excavations and record items of interest and finds.

Reason - In the interests of archaeological investigation or recording and to comply with Government advice in PPS5: Planning for the Historic Environment and Policy BE6 of the South East Plan 2009.

- 16 The development permitted shall not be begun until details of the layout of the settlement's commercial centre/hub have been submitted to, and approved in writing by, the Local Planning Authority. Details shall include a plan at a scale of not less than 1:100 of a scheme to traffic calm Camp Road between buildings 52 and 549 to demonstrate how traffic speeds will be reduced to 10 mph, hard and soft landscaping of the area, a scheme to improve the public realm and demonstrate how the centre will function as a commercial entity.

The scheme as approved shall be implemented prior to the occupation of the 350th house and/or before the occupation of any 4 of the buildings adjacent to the traffic calmed area shown on the Development Uses Parameter Plan as being the Local Centre, whichever is the sooner.

REASON: To enable the Local Planning Authority to give further consideration to these matters, 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 in PPS1: Delivering Sustainable Development.

- 17 The development permitted by this planning permission shall only be carried out in accordance with the approved Environmental Statement (Waterman, October 2010) reference EED10658.103.R.3.2.1.AH and Flood Risk Assessment (Waterman, October 2010) reference C11234 ES 001, and the following mitigation measures detailed within those documents:

- Limiting the surface water run-off generated by the development for all storm events up to and including the 1 in 100 year storm including a 30% allowance for climate change in accordance with Section 9.56 of the Environmental Statement and Appendix D of the FRA.

Reason: To prevent increased run-off and flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- 18 No development approved by this planning permission shall take place until a surface water drainage scheme for the site, based on sustainable drainage

principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details.

The scheme shall also include:

- Where appropriate the use of infiltration for the disposal of surface water, this shall follow site specific investigation into the feasibility of using infiltration for the disposal of surface water in accordance with Section 4.6 of the Flood Risk Assessment (Waterman, October 2010) reference C11234 ES 001. This should include an assessment of infiltration in potentially contaminated areas.

- The inclusion of sustainable drainage techniques in accordance with the principles set out in Table 1 of the Flood Risk Assessment (Waterman, October 2010) reference C11234 ES 001.

- Controlled discharge rates to ensure there shall be no increase down stream or down gradient of the site, during or following construction as a result of the combined surface water and Sewage Treatment Work discharges.

Reason: To prevent the increased risk of flooding, to improve and protect water quality in the Gallos Brook as required under the Water Framework Directive and improve habitat and amenity. The site is underlain by the Great Oolite Limestone (Principal Aquifer) and this site has housed many potentially contaminative activities including fuel filling stations, above and underground fuel storage tanks, boiler houses, incinerators, workshops and a dry-cleaners. We need to prevent the possibility of infiltration drainage methods increasing the mobilisation of contamination into the Principal aquifer below the site.

19 No development approved by this planning permission shall take place (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), until the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

- i-all previous uses.

- ii-potential contaminants associated with those uses.

2. a conceptual model of the site indicating sources, pathways and receptors.

potentially unacceptable risks arising from contamination at the site.

3. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

4. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

5. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The site is underlain by the Great Oolite Limestone (Principal Aquifer) and this site and the airfield to the north has housed many potentially contaminative activities. We need to ensure that the site has been fully characterised with respect to soil and groundwater contamination.

20 Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reasons: The site is underlain by the Great Oolite Limestone (Principal Aquifer) and this site has housed many potentially contaminative activities. We need to ensure that the site has been remediated to a level that ensures no lasting impact to groundwater.

21 If during development contamination not previously identified is found to be present at the site then no further development within 20m of the contamination shall be carried out until the developer has submitted to and obtained written approval from the local planning authority for an addendum to the method statement. This addendum to the method statement shall detail how this unsuspected contamination will be remediated (if necessary) and thereafter this

will be carried out as approved before any development within 20m recommences. Following completion of any such additional remediation, a verification report shall be submitted within 3 months of the completion of the works for the approval of the Local Planning Authority in writing.

Reason - It is suspected that this site and/or nearby land and water may be contaminated as a result of the former military and industrial use(s) or otherwise. To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy ENV12 of the adopted Cherwell Local Plan and UH2 of the Non Statutory Cherwell Local Plan

- 22 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: The site is underlain by the Great Oolite Limestone (Principal Aquifer). In order to complete the conceptual model, the complexity of the geological stratum under the site has to be assessed. We need to ensure that piling does not create pathways for contamination to migrate vertically.

- 23 No development approved by this planning permission shall take place until a scheme to install oil and petrol separators (Class 1) has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reasons: The site is underlain by the Great Oolite Limestone (Principal Aquifer) and this aquifer has to be protected from contamination from the proposed future uses of the site.

- 24 No development approved by this planning permission shall take place until a scheme for the improvement of the existing sewerage system has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved. No occupation of dwellings approved by this permission shall occur until the scheme for improvement of the existing sewage system has been completed.

Reasons: To protect the water quality of the Gallos brook.

- 25 Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the

local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed".

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community

- 26 Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

- 27 No new use within Use Classes A3-A5 shall commence within the New Settlement Area as shown on Plan Ref: N.0111\_58-1 until such time as details of the hours of opening of such premises have been submitted to and approved in writing by the Local Planning Authority. The use shall thereafter operate only within those hours.

Reason - In order to safeguard the amenities of the area and to comply with Policy BE1 of the South East Plan 2009 and Policies C31 and ENV1 of the adopted Cherwell Local Plan.

- 28 For each phase or sub phase of the development, no works shall be undertaken until such times as a detailed scheme of noise assessment and possible sound insulation measures for the residential units (including a timetable for its implementation) has first been submitted to and approved in writing by the Local Planning Authority. That scheme shall be implemented in accordance with the approved details.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with advice in PPG24: Planning and Noise, Policies C30 and ENV1 of the adopted Cherwell Local Plan.

- 29 Before the change of use of any building is implemented, a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the building or its adjacent service area. In the case of uses that would be implemented on grant of this permission such a scheme shall be submitted to

the Local Planning Authority within 6 months of the date of the permission.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with advice in PPG24: Planning and Noise, Policies C30 and ENV1 of the adopted Cherwell Local Plan.

- 30 No new occupation of any Class C1 (Hotel), A3, A4 or A5 (Cafes, Restaurants, Takeaways, Public House) and B2 (General Industrial) premises shall take place until such times as a detailed scheme of fume extraction/odour mitigation measures has first been submitted to and approved in writing by the Local Planning Authority; and implemented in accordance with such approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - In order to safeguard the amenities of the area and to minimise the risk of a nuisance arising from smells in accordance with Policy ENV1 of the adopted Cherwell Local Plan.

- 31 Prior to the commencement of development details for the phasing of development, including the provision of and improvements to the existing playing fields (including all those within the blue line see Site Location Plan D.0291\_42), sports pavilions/changing facilities and tennis courts shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with Non-Statutory Cherwell Local Plan 2011 Policy R7a.

- 32 The playing fields and tennis courts shall be used for Outdoor Sport and for no other purpose (including without limitation any other purpose in Class D2 Town and Country Planning (Use Class) Order 1987 (as amended), or in any provision equivalent that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To protect the playing field and tennis courts from loss and/or damage, to maintain the quality of and secure the safe use of sports pitches.

- 33 No development shall take place unless and until:

A detailed assessment of ground conditions of the land proposed for the new playing field land (as shown on drawing number D.0291\_38-1) shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and

Based on the results of this assessment to be carried out pursuant to (i) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.

Reason: To ensure that site surveys are undertaken for new playing fields and that any ground condition constraints can be and are mitigated to ensure provision of a new/replacement playing field of at least an equivalent or better quality and to accord with Non-Statutory Cherwell Local Plan 2011 Policy R7a and paragraph 15 of PPG17. The playing fields shall be made available for use on substantial completion of the works.

Informative: It is recommended that the drainage assessment and improvement scheme is undertaken by a specialist turf grass consultant.

The applicant should ensure that any new or replacement playing field is fit for its intended purpose and should have regard to Sport England's technical design guidance note entitled Natural Turf for Sport and relevant design guidance of the National Governing Bodies for Sport e.g. performance quality standards produced by the relevant pitch team sports, for example the England & Wales Cricket Board.

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

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

- 35 Prior to the first occupation of any residential unit hereby permitted, a scheme setting out expected community use of the indoor and outdoor facilities shall be submitted to and approved by the Local Planning Authority in consultation with Sport England. The report shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved scheme shall be implemented upon commencement of use of the development and shall thereafter be retained and maintained'.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport.

36 Within three months of the date of this permission, a lighting strategy shall be provided in association with the use of the non residential buildings in the technical area. The strategy as approved shall be implemented within 6 months of the date of this permission and the development shall be undertaken in accordance with the details as approved

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.

37 Prior to commencement of the development/use details of the siting, design and layout of the two pavilions to be provided on site, which shall comply with Sport England Technical Design Guidance Notes to include; Pavilions and Clubhouses, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The sports pavilions shall be constructed in accordance with the approved design and layout details.

Reason: To ensure the development is fit for purpose, subject to high quality design standards and sustainable and to accord with Non-Statutory Cherwell Local Plan 2011 Policy R10a.

38 Within three months of the date of this permission, a waste management strategy shall be provided in association with the use of the non residential buildings. The strategy as approved shall be implemented within 6 months of the date of this permission and the development shall be undertaken in accordance with the details as approved

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.

39 That prior the first occupation of any part of the development hereby permitted fire hydrants shall be provided or enhanced on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason - To secure the provision of essential community infrastructure on site in accordance with Policy CC7 of the South East Plan 2009.

40 Building 572 shall be used solely for the purposes of a Place of Worship and/or community use for a minimum period of 10 years from the date of this permission. Subsequent to that period it shall not without the express consent of the Local Planning Authority be used for any other purpose within Use Class D1 including any other permitted change within that specific Use Class as

identified within Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order

Reason: To ensure a satisfactory development and community facilities, to comply with the revised Comprehensive Planning Brief 2007 for the site and Policy H2 of the Oxfordshire Structure Plan 2016

- 41 Building 552 (Water Tanks) shall not be removed until such time as a scheme for their relocation (including a timetable for its implementation) has been submitted to and approved by the Local Planning Authority. The relocation shall subsequently be implemented in accordance with the approved scheme.

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 that phase of the proposed development, 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.

- 42 Before commencement of any phase of development as agreed under the phasing plan (condition 6) details of the existing and proposed levels, including finished floor levels, shall first have been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with such approved details.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 43 That no goods, materials, plant or machinery shall be stored repaired, operated or displayed in the open without the prior express planning consent of the Local Planning Authority.

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.

- 44 All plant, machinery, mechanical ventilation equipment and ducting shall be installed internally. No other plant, machinery, mechanical ventilation equipment, flues or ducting shall be placed on the outside of the building without the prior written permission of the Local Planning Authority.

Reason: In the interest of visual and residential amenity.

- 45 Within 9 months of the date of this permission a programme for implementation

of the mitigation and ecological objectives set out in the Ecology Section of the Watermans Environmental Statement dated October 2010 shall be submitted to the Local Planning Authority for approval. And the permission shall be implemented in accordance with the details approved.

Reason - To protect habitats of importance to nature conservation from any loss or damage in accordance with the requirements of PPS 9: Planning and Biodiversity, Policy NRM5 of the South East Plan 2009 and Policy C2 of the adopted Cherwell Local Plan.

- 46 All site clearance (including vegetation removal) should be timed so as to avoid the bird nesting/breeding season between March-August

Reason - To ensure that the development will not cause harm to any protected species or its habitat in accordance with Policy NRM5 of the South East Plan 2009 and Policy C2 of the adopted Cherwell Local Plan).

- 47 The construction of the new development shall be carried out in such a manner as to ensure that the structural integrity of existing buildings in the vicinity of the construction works is preserved.

Reason - To safeguard the preservation and retention of the existing historic building(s) to comply with Government advice in PPS5: Planning for the Historic Environment, Policy BE6 of the South East Plan 2009 and Policy C18 of the adopted Cherwell Local Plan.

- 48 Prior to any demolition of any building as shown on Plan Ref: 010/D a scheme of demolition for those buildings to be removed shall have been first submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include;

(a) the demolition techniques to be employed in respect of each building to be removed;

(b) proposed hours of operation in respect of the proposed demolition works and demolition material processing/treatment;

(c) dust and noise mitigation measures to be employed in respect of the demolition;

(d) details of the treatment of the demolition material including whether it is to be removed from the site or re-used in connection with the development;

(e) If demolition spoil is to be processed on site details of the method of

processing shall be submitted, including dust and noise mitigation measures to be employed;

and shall be implemented in accordance with such approved details.

Reason - To safeguard the preservation and retention of the existing historic building(s) to comply with Government advice in PPS5: Planning for the Historic Environment, Policy BE6 of the South East Plan 2009 and Policy C18 of the adopted Cherwell Local Plan.

- 49 Details of the location of all compounds and the associated areas for plant storage and access thereto, as well as a scheme for their subsequent removal and restoration of the land, shall be submitted to and approved in writing by the Local Planning Authority prior to their establishment. The compounds and accesses shall be located and subsequently removed in accordance with the approved details.

Reason - To ensure that site compounds are sited in locations that will not adversely affect the amenities of nearby residents or the environment and to comply with the Policy ENV1 of the adopted Cherwell Local Plan.

- 50 No works in relation to any phase or sub phase shall be undertaken until such time as wheel washing facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason - In the interests of highway safety and to ensure a satisfactory standard of construction.

- 51 Save for existing uses already in occupation at the time of planning permission being granted, prior to commencement of new development, an access phasing strategy shall be submitted to and approved in writing by the Local Planning Authority, including a phased approach to the closure of access points. The provision and closure of accesses shall be carried out in accordance with the approved details.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government advice in PPG13: Transport.

- 52 Save for existing uses already in occupation at the time of planning permission being granted, before any new non residential building is first occupied any temporary or permanent turning areas shall be provided within the curtilage of

the site so that vehicles may turn around and leave in a forward direction. Any such turning area shall be constructed, laid out, surfaced, drained and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and shall thereafter be retained and kept unobstructed for the manoeuvring of motor vehicles at all times.

Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.

- 53 Parking and manoeuvring areas: Save for existing uses on the site, before any non residential buildings are first occupied parking and manoeuvring areas shall be provided in accordance with plans approved in writing by the Local Planning Authority in consultation with the Highway Authority and shall be constructed, laid out, surfaced in bound material, drained and completed, and shall be retained unobstructed except for the parking of vehicles at all times.

Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.

- 54 Details of parking provision for the existing and to be retained non residential uses shall be submitted to and approved in writing by the Local Planning Authority at the same time as the reserved matters application for the phase of the development in which the existing use/s are located. The approved parking shall thereafter be implemented within 3 months of the completion of that phase and thereafter be retained in accordance with such approved details.

Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.

- 55 Save for existing uses already in occupation at the time of planning permission being granted, the development hereby permitted shall not commence until arrangements for the off-highway parking provision of construction vehicles have been implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.

- 56 Before any demolition or building operations begin, a scheme to prevent the discharge of surface water to the highway shall be submitted to and approved in writing by the Local Planning Authority and this scheme shall be implemented before such works commence.

Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.

- 57 The development hereby permitted shall not commence until such time as a detailed Travel Plan for each phase of the proposed development, to cover residential and non-residential uses, including the construction phases (including a timetable for its implementation), has been submitted to and agreed in writing by the Local Planning Authority. The Travel Plan shall be implemented in accordance with those details.

Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.

- 58 Within three months of the date of this permission, a parking strategy shall be provided for vehicles operating in association with the use of the non-residential buildings. A plan showing car parking provision for vehicles to be accommodated within the site together with any areas for manoeuvring, shall be submitted to and approved in writing by the Local Planning and such parking and manoeuvring facilities shall be laid out, surfaced, drained and completed in accordance with the approved plan within 6 months of the date of this permission. The car parking spaces shall be retained for the parking of vehicles at all times thereafter.

Reason - In the interests of highway safety, to ensure the provision of satisfactory car parking, to ensure the development is in keeping with and conserves the special character of this part of the Conservation Area in accordance with Policy C23 and C28 of the adopted Cherwell Local Plan, and to comply with Government advice in PPG13: Transport and Policy T4 of the South East Plan 2009.

- 59 Occupation of the 100th new dwelling or occupation of more than 10,000 square metres of commercial floor area above that existing at the grant of this permission (whichever is the earlier), shall not take place until such time as improvement works to the junction at Middleton Stoney have been submitted to and approved by the Local Planning Authority in writing and shall thereafter be implemented in accordance with those details.

Reason: In order to ensure there is adequate highway capacity and in the interests of highway safety

- 60 Prior to the commencement of development details of improvement works to M40 Junction 10 shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Highways Agency. Occupation of the 500th or subsequent net additional dwellings or occupation of more than 50%

increased floor area of commercial use above existing (whichever is the earlier) shall not take place until such time as the works have been implemented in accordance with the details as approved.

Reason: In order to ensure there is adequate highway capacity and in the interests of highway safety

61 The construction of the highways on site shall use a minimum of 30% recycled materials.

Reason - To ensure resource efficiency practices are incorporated into the development in accordance with Government advice contained in PPS: Planning and 'Climate Change' (Supplement to PPSI) and to comply with Policies CC2 and CC4 of the South East Plan 2009.

### **PLANNING NOTES**

Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.

This permission authorises and relates to a change of use only, and does not authorise any internal or external alterations to the building that may be necessary as a result of this change of use, for which separate listed building consent will be required from the Local Planning Authority.

The District Council, as local planning authority, in deciding to approve this proposal has taken into account the Environmental Statement submitted with the application and any relevant representations made about the likely environmental effects by the public or consultees.

This permission shall not imply or be deemed to imply approval for the indicative sketch details shown on the plans accompanying the application.

In the submission of reserved matter details for approval, a particularly high standard of architectural design in the external appearance of all buildings is expected in view of the prominence and heritage value of the site.

Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further

information or to obtain approval contact Natural England on 0300 060 2501.

The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.

The County Archaeologist has indicated that the proposal does not appear to directly affect any presently known archaeological sites. However, the County Council's records do show the presence of known archaeological finds nearby and this should be borne in mind by the applicant. If archaeological finds do occur during development, the applicant is requested to notify the County Archaeologist in order that he may make a site visit or otherwise advise as necessary. Please contact : County Archaeologist, Department of Leisure and Arts, Oxfordshire County Council, Central Library, Westgate, Oxford, OX1 1DJ (Telephone 01865 815749).

#### Advice from Environment Agency to Applicant

Due to the proximity of the site to tributaries of Gallos Brook all works carried out in connection with this development should comply with Environment Agency pollution prevention guidelines (PPG5): 'Works and maintenance in or near water'. Copies and further information are available from your local Agency office or from [www.environment-agency.gov.uk/ppg](http://www.environment-agency.gov.uk/ppg)

It is suggested that larger areas of hard standing e.g. walkways/car-parking are constructed following the recommendations set out in Sustainable Urban Drainage Systems guidance. This can be continued with designs for open space and landscaping within the area. The use of SUDS can attenuate the disposal of water and reduce the impact of pollutants to nearby watercourses. Guidance is available from Planning Policy Statement 25 or from the Environment Agency website, [www.environment-agency.gov.uk/suds](http://www.environment-agency.gov.uk/suds)

Underground storage tanks no longer in use should be decommissioned according to the current Institute of Petroleum guidance. The Environment Agency would also advise that the guidance given in PPG 27 - Installation, decommissioning and removal of underground storage tanks is followed.

The foul drainage from this development will drain to the site Sewage Treatment

Works which will need refurbishment. The developer should confirm with the sewerage undertaker that; (a) sufficient capacity remains to properly deal with the additional load and (b) the sewerage conveying foul drainage to these works has sufficient hydraulic capacity.

Note:- If the refurbishment work at the sewage treatment facility are likely to improve the water quality of the effluent discharged, it will be necessary to apply to vary the discharge consent to ensure that the facility complies with current legislation. For more information on how to vary a discharge consent please refer to the EA website ([www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)).

For more information with regards to the WFD please refer to the EA website ([www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)) and the website for the United Kingdom Technical Advisory Group ([www.wfduk.org](http://www.wfduk.org)).

We are pleased to see from the Environmental Statement that a ground investigation is planned and where necessary remediation will be carried out on the site. In order to complete the conceptual model, the complexity of the geological stratum under the site has to be assessed. Our records also suggest that there was a dry-cleaners within the former settlement area, therefore chlorinated solvents should be included as a potential contaminant of concern.

Advice from Thames Water Utilities to the Applicant:

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

Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

As there are a number of ordinary watercourses in the vicinity of the site it should be noted the erection of flow control structures or any culverting of a watercourse requires the prior written approval of the Environment Agency under s.23 of the Land Drainage Act 1991 or s.109 of the Water Resources Act 1991. The Environment Agency resists culverting on nature conservation and other grounds and consent for such works will not normally be granted except for access crossings.

The Control of Pollution (Oil Storage )( England) Regulations 2001 apply to all above ground commercial oil storage in tanks over 200 litres in volume.

This means that tanks must be fit for purpose and have secondary containment (or bund) sufficient to contain 110% of the tanks contents.

The secondary containment must be impermeable to oil and water and not have any drainage valve. All the tank's ancillary equipment (valves, delivery hose, gauges, vent) must be within the curtilage of the secondary containment or bund.

The Regulations have other stipulations and full information can be found on:

[www.environment-agency.gov.uk/osr](http://www.environment-agency.gov.uk/osr)

or from Pollution Prevention Guidance note 2 for above ground tanks or note 26 for drums and IBCs.

From 6 April 2008 it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000.

The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT.

For projects estimated at between £300,000 and £500,000 (excluding VAT) the SWMP should contain details of the:

- types of waste removed from the site
- identity of the person who removed the waste
- site that the waste is taken to.

For projects estimated at over £500,000 (excluding VAT) the SWMP should contain details of the:

- types of waste removed from the site
- identity of the person who removed the waste and their waste carrier registration number
- a description of the waste
- site that the waste was taken to
- environmental permit or exemption held by the site where the material is taken.

At the end of the project, you must review the plan and record the reasons for any differences between the plan and what actually happened.

You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you

comply with the duty of care. Further information can be found at [www.netregs-swmp.co.uk](http://www.netregs-swmp.co.uk)

The developers/applicants attention is drawn to the need to make provision for the future maintenance of public open space/landscaped areas in the development.

**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 and delivers the comprehensive approach sought through saved policy H2 of the Oxfordshire Structure Plan. 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.

<b>CONTACT OFFICER:</b>	<b>Andrew Lewis</b>	<b>TELEPHONE NO:</b>	<b>01295 222183</b>
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