
Appellant's Planning Proof of Evidence - Appendices

**APP/C3105/W/23/3326761, OS Parcel 1570 Adjoining And West Of
Chilgrove Drive And Adjoining And North Of, Camp Road, Heyford Park.**

Appeal by Richborough Estates, Lone Star Land Ltd, K and S Holford, A and S
Dean, NP Giles, A L C Broadberry against the refusal of application reference
21/04289/OUT by Cherwell District Council for:

“Outline planning application for the erection of up to 230 dwellings, creation of
new vehicular access from Camp Road and all associated works with all matters
reserved apart from access”

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Appendix 1.0

Planning History Chronology		
APP/C3105/W/23/3326761, OS Parcel 1570 Adjoining And West Of Chilgrove Drive And Adjoining And North Of, Camp Road, Heyford Park.		
Item	Summary	Date: Decision made / pending or publication date (Reverse chronological order)
David Wilson Homes Full planning application (Application reference 22/03063/F)	<p>Full planning application on allocated land adjacent to the Site to the west, for 126 dwellings with access from Camp Road, provision of public open space and associated infrastructure.</p> <p>The application includes 2 and 2.5 storey dwellings and a footpath link to the eastern boundary connecting with the Appeal Site.</p> <p>This application relates to the two parcels of land with applications by Pye Homes, below, referenced 15/01357/F and 21/03523/OUT. It is understood that this application would supersede the two Pye Homes applications. It is currently being considered.</p>	Currently under consideration (Application pending)
Pye Homes Outline application (Application reference 21/03523/OUT)	Outline planning application on allocated land adjacent to the Site to the west for 31 dwellings. It lies to the north of the below Pye Homes application referenced 15/01357/F.	14 September 2023 (Application approved)
Pye Homes Full planning application (Application reference 15/01357/F)	<p>Full planning application on allocated land adjacent to the Site to the west for 89 dwellings submitted by Pye Homes.</p> <p>These include mainly 2 storey dwellings alongside two single storey dwellings consisting of 1-bedroomed flats to 4-bedroomed houses.</p>	14 September 2023 (Application approved)
Dorchester Hybrid application by Dorchester Living (Application reference 18/00825/HYBRID)	<p>A hybrid application which included up to 1,175 dwellings, 60 close care dwellings, retail space, a medical centre, employment buildings, a new school, community buildings, open space, and associated infrastructure works.</p> <p>Of particular relevance to the Site are proposals for:</p> <ul style="list-style-type: none"> ▪ An 11.1ha Creative City zone for the Hardened Aircraft Shelters adjacent to the Site to the north. This includes retaining and converting them into uses associated with filming, gaming and creative industries and erecting new buildings next to the structures up to 18m in height and 10.5m around the boundary. ▪ A 2.3ha Commercial zone bordering the Site to the north-east allowing for building heights of up to 10.5m and vehicular access from Chilgrove Drive. 	9 September 2022 (Application approved)

	<ul style="list-style-type: none"> ▪ Residential development east and west of the Hardened Aircraft Shelters / Creative City zone within the flying field Conservation Area fronting the southern taxiway. Building heights parameters allow for buildings of mainly up to 13m. <ul style="list-style-type: none"> ○ The residential area to the east is named the Creative City Living zone and involves the demolition of circa 13 southern bomb stores as well as the erection of circa 430 dwellings. ○ The residential area to the west is named a Contemporary Airfield Living zone for the erection of circa 122 dwellings. ▪ A security fence proposed between the Site and the Commercial / Creative City zones as well as the retained fence along the northern Appeal Site boundary. ▪ A primary pedestrian / cycle route close to the northern boundary of the Site. ▪ Realignment and upgrades to Chilgrove Drive and the junction with Camp Road including a strategic landscape buffer and footpath/bridleway along the existing Chilgrove Drive alignment. ▪ A structural landscaping strip to the south of the Creative City and Letchmere Farm adjacent to the Appeal Site to the north and alongside the primary pedestrian/cycle route. 	
<p>Dorchester Outline application by Dorchester Heyford Park Group Ltd</p> <p>(Application reference 10/01642/OUT)</p>	<p>An outline planning application proposed a new settlement of 1,075 dwellings including the retention and change of use of 267 existing military dwellings to residential Class C3 and the change of use of other specified buildings, together with associated works and facilities, including employment uses, a school, playing fields and other physical and social infrastructure. The application was for land within the technical and residential areas rather than the flying field.</p> <p>This application was a replacement scheme for the 'Lead Appeal' but it only relates to the New Settlement Area and not the flying field. The flying field was not part of this application.</p>	<p>22 December 2011 (Application approved)</p>
<p>The Lead Appeal by North Oxfordshire Consortium (NOC)</p> <p>(Application reference 08/00716/OUT, Appeal reference APP/C3105/A/08/2080594)</p>	<p>An outline planning application for the formation of a new settlement of 1,075 dwellings including employment uses and community uses across the entire airbase was allowed at appeal. The Hardened Aircraft Shelters adjacent to the site were proposed for retention as part of this proposal. Originally, land in between the buildings was proposed as a car processing area. However, much of the heritage discussion focused on the extent to which the car processing</p>	<p>11 January 2010 (Appeal allowed)</p>

	<p>operations making use of taxiways to store cars would be harmful to the character of the Conservation Area, and an appropriate level of employment / commercial operations within the flying field.</p> <p>The Inspector concluded that with the exception of the outdoor areas of the car processing use, the development proposed would ensure that the character and appearance of the airbase as a whole would be preserved. He agreed that except in respect of the car processing use, the lead appeal proposal reaches an acceptable balance of environmental improvements and securing the heritage interests of the site. A condition was suggested restricting the extent of parking to address the car processing use matter.</p>	
A Revised Comprehensive Planning Brief adopted as an SPD	<p>Recommends the Hardened Aircraft Shelters adjacent to the site be demolished "...on the grounds that these are of less historic significance, are visually and functionally divorced from the main groups of hardened aircraft shelters and their demolition would enable an appropriate setting for the settlement to be created."</p>	<p>March 2007 (SPD adopted)</p>
RAF Upper Heyford Conservation Area designated	<p>RAF Upper Heyford Conservation Area Appraisal published by Cherwell District Council. It marks the six Hardened Aircraft Shelters adjacent to the site as Non Listed Buildings of Local Significance (Buildings 3064, 3037, 3038,3039,3040,3041,3042 of Figure 17). A summary of the 56 Hardened Aircraft Shelters on the site are described as being 'of national importance' (Paragraph 9.9.1).</p>	<p>April 2006 (Conservation Area Appraisal published)</p>
North Oxfordshire Consortium planning application (Application reference 00/02291/OUT)	<p>NOC made an Outline planning application for the development of part of the site for a settlement of about 1,000 dwellings, shops, business premises, social and leisure facilities. The First Secretary of State dismissed the appeal mainly because it failed to provide a long-term solution to the development of the entire site (it focused on the central core rather than including the employment land and buildings).</p>	<p>23 June 2003 (Appeal dismissed)</p>

Appendix 2.0

Note on Planning Context

Land adjoining And West Of Chilgrove Drive And Adjoining And North Of, Camp Road, Heyford Park.

This is a note on development plan policy and planning history of relevance to the above Site, focusing on adjoining land.

The site is on the eastern edge of Heyford Park, which is currently predominantly being built out by Dorchester Living (alongside others). It is adjacent to the former RAF Upper Heyford Conservation Area on its northern boundary. The RAF Upper Heyford Conservation Area was designated in April 2006 and is important primarily as a Cold War airbase. The site is not within the Conservation Area but is adjacent to it.

RAF Upper Heyford is a cold war landscape with a range of designated and non designated heritage assets including a conservation area, scheduled monuments, listed buildings and non-designated buildings of national and local significance. There are 4 Listed Buildings, a Conservation Area, a Scheduled Monument and 61 non designated built heritage assets located within a 1km search radius surrounding the site.

The former airbase has functional character areas shown within the below map which are referred to as the flying field (green), the technical area (red) and the residential area (orange). These are defined within the RAF Upper Heyford Conservation Area Appraisal (Core Document G5).

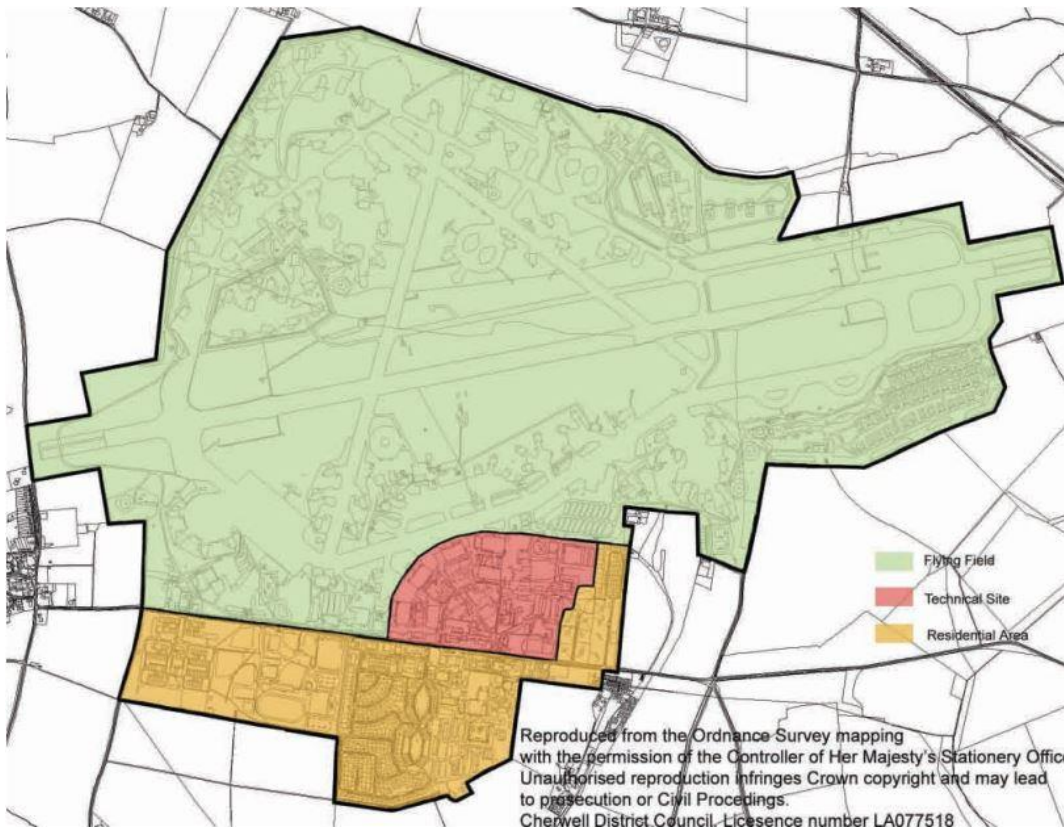


Figure 1: Functional Character Areas within the airbase (RAF Upper Heyford Conservation Area Appraisal - April 2006)

The Site borders the flying field to the north. A semi-circular parcel of land separates the orange residential area from the western boundary of the Site.

Planning History and Key Policy

Airbase

Military use of the former RAF Upper Heyford ceased in 1994. There were no heritage asset designations at this point; scheduled areas were confirmed in 2006 and the listed buildings in 2008. Since 1998 the site has accommodated a number of employment uses in existing buildings on the flying field and in the technical area, first under temporary planning permissions and latterly under a permanent permission granted on appeal and by subsequent applications.

There are three key planning applications involving the comprehensive redevelopment of the former RAF Upper Heyford airbase. These are set out below:

1. Outline planning application 08/00716/OUT was for the formation of a new settlement of 1,075 dwellings, together with associated works and facilities, including employment uses, community uses, a school, playing fields and other physical and social infrastructure, across the entire airbase.

The scheme was submitted by the North Oxfordshire Consortium (NOC; made up of Wimpey Homes, Taywood Homes and Westbury Homes) and registered on 4 March 2008 (with amendments on 26 June 2008). It was appealed against the failure of the Council to issue its decision within the statutory 16 week period. The application was allowed at appeal (Core Document N3) dated 11 January 2010 and is subject to an S106 Unilateral Undertaking.

It is referenced in various planning documents on CDC's website as the Lead Appeal. This is primarily because established the principle of employment use in a considerable number of the buildings and structures on the former flying field, in association with a management plan and the demolition of existing structures and redevelopment of new housing and associated infrastructure along Camp Road and to the south.

The main issues were summarised within the Inspector's Decision as Policy, Design, Housing and Sustainability, and Conditions and Obligations (Core Document N4). Heritage matters were considered as part of the Policy matter.

The focus of the Inquiry was dominated by the flying field rather the settlement area from the heritage perspective. Much of the heritage discussion focused on the extent to which the car processing operations making use of taxiways to store cars would be harmful to the character of the Conservation Area, and an appropriate level of employment / commercial operations within the flying field. The Inspector concluded that with the exception of the outdoor areas of the car processing use, the development proposed would ensure that the character and appearance of the airbase as a whole would be preserved. He agreed that except in respect of the car processing use, the lead appeal proposal reaches an acceptable balance of environmental improvements and securing the heritage interests of the site. A condition was suggested restricting the extent of parking to address the car processing use matter.

Following the purchase of the site by the Dorchester Group in late 2010, a revised scheme was submitted to CDC. The applicant was Dorchester Heyford Park Group Ltd.

2. Outline planning application 10/01642/OUT proposed a new settlement of 1,075 dwellings including the retention and change of use of 267 existing military dwellings to residential Class C3 and the change of use of other specified buildings, together with associated works and facilities, including employment uses, a school, playing fields and other physical and social infrastructure. The application was for land within the technical and residential areas rather than the flying field.

The application was registered on 27 October 2010 and approved on 22 December 2011 (Core Documents N9 and N10). It was also subject to a further S106 Agreement.

Development is mainly being taken forward through a combination of reserved matters and further specific outline applications by the Dorchester Group and Bovis Homes.

Following the above applications, the Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by CDC on 20 July 2015. This evolved from Policy H2 of the Oxfordshire Structure Plan 2016 (adopted in 2005) and supplementary planning documents.

Policy Villages 5: The Former RAF Upper Heyford provides for additional development through a combination of the intensification of the density of development proposed on the less sensitive previously developed parts of the site, and new, limited, greenfield development around the main airbase site in locations considered complementary to the approved development.

Following the adoption of policy allocating additional land, a third significant application followed in 2018 which established commercial development on land bordering the north of the Site.

3. Hybrid application 18/00825/HYBRID was submitted by Dorchester Living and registered on 10th May 2018. In November 2020 Planning Committee resolved to grant planning permission subject to a list of conditions and the completion of a S106 Agreement. These were subsequently agreed and a decision was issued on 9th September 2022.

The proposals included up to 1,175 dwellings, 60 close care dwellings, retail space, a medical centre, employment buildings, a new school, community buildings, open space, and associated infrastructure works.

Of particular relevance to the Site are proposals for:

- An 11.1ha Creative City zone for the Hardened Aircraft Shelters adjacent to the Site to the north. This includes retaining and converting them into uses associated with filming, gaming and creative industries and erecting new buildings next to the structures up to 18m in height and 10.5m around the boundary.
- A 2.3ha Commercial zone bordering the Site to the north-east allowing for building heights of up to 10.5m and vehicular access from Chilgrove Drive.
- Residential development east and west of the Hardened Aircraft Shelters / Creative City zone within the flying field Conservation Area fronting the southern taxiway. Building heights parameters allow for buildings of mainly up to 13m.
 - The residential area to the east is named the Creative City Living zone and involves the demolition of circa 13 southern bomb stores as well as the erection of circa 430 dwellings.
 - The residential area to the west is named a Contemporary Airfield Living zone for the erection of circa 122 dwellings.
- A security fence proposed between the Site and the Commercial / Creative City zones as well as the retained fence along the northern Appeal Site boundary.
- A primary pedestrian / cycle route close to the northern boundary of the Site.
- Realignment and upgrades to Chilgrove Drive and the junction with Camp Road including a strategic landscape buffer and footpath/bridleway along the existing Chilgrove Drive alignment.
- A structural landscaping strip to the south of the Creative City and Letchmere Farm adjacent to the Appeal Site to the north and alongside the primary pedestrian/cycle route.

The relevant Composite Parameter Plan, Building Heights Parameter Plan Site Location Plan, Committee Report, Decision, Conservation Officer responses, Composite Parameter Plan, Design and Access Statement, and Officers Report are found at Core Documents N5 to N8.

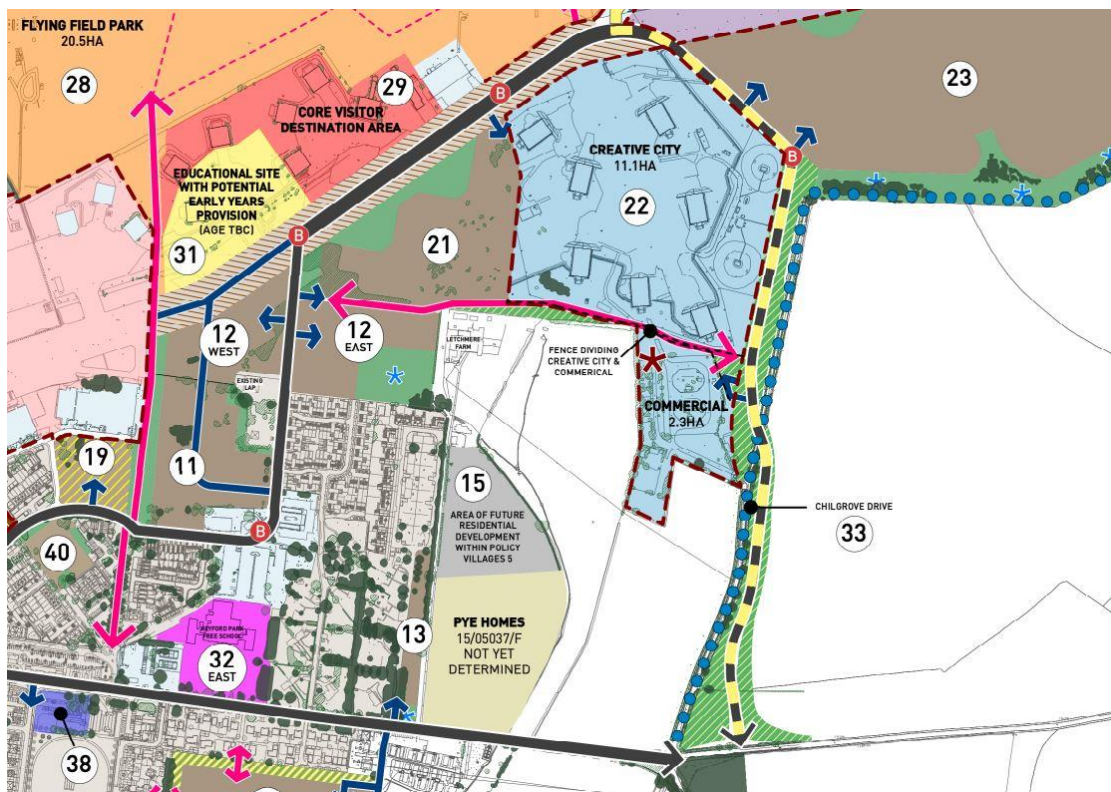


Figure 2: Approved Composite Parameter Plan to Hybrid application 18/00825/HYBRID (Core Document N5)

It is notable that the 2018 hybrid application is of particular relevance to the Site given the proposals bordering the Site, particularly to the north and east.

Eastern boundary

Chilgrove Drive lies immediately to the east of the Site. It is the planned future permanent access-way to the flying field commercial area within the Conservation Area to the north of the site. The Design and Access Statement supporting the 2018 hybrid application (Core Document N7) also shows a new traffic signal controlled junction with Camp Road.

It states that Chilgrove Drive will be the main HGV access onto the flying field and form part of a bus route. The Parameter Plan at Appendix 10 shows a realigned Chilgrove Drive route and the existing road as a footpath/bridleway only.

The Composite Parameter Plan also shows a strategic landscape buffer in this location.

Also of relevance is Oxfordshire Railfreight Limited's proposal for a Strategic Rail Freight Interchange (SRFI) on a vast tract of land east of the Site. The pre-planning stage proposals are for land south of the Chiltern railway line, and southwest of Junction 10 of the M40 motorway spanning to Chilgrove Drive. A SRFI is a large multi-purpose freight interchange and distribution centre linked into both the rail and trunk road systems. A initial consultation for the proposals was held in summer 2022.

Northern boundary

The plan below from the RAF Upper Heyford Conservation Area Appraisal (Core Document G5) shows the land within the Conservation Area to the north of the site is a squadron grouping of seven Hardened Aircraft Shelters (HASs), Squadron Headquarters, and two petrol/fuelling areas set within grassland. This particular squadron grouping is known as the 79th Squadron within the Conservation Area Appraisal.

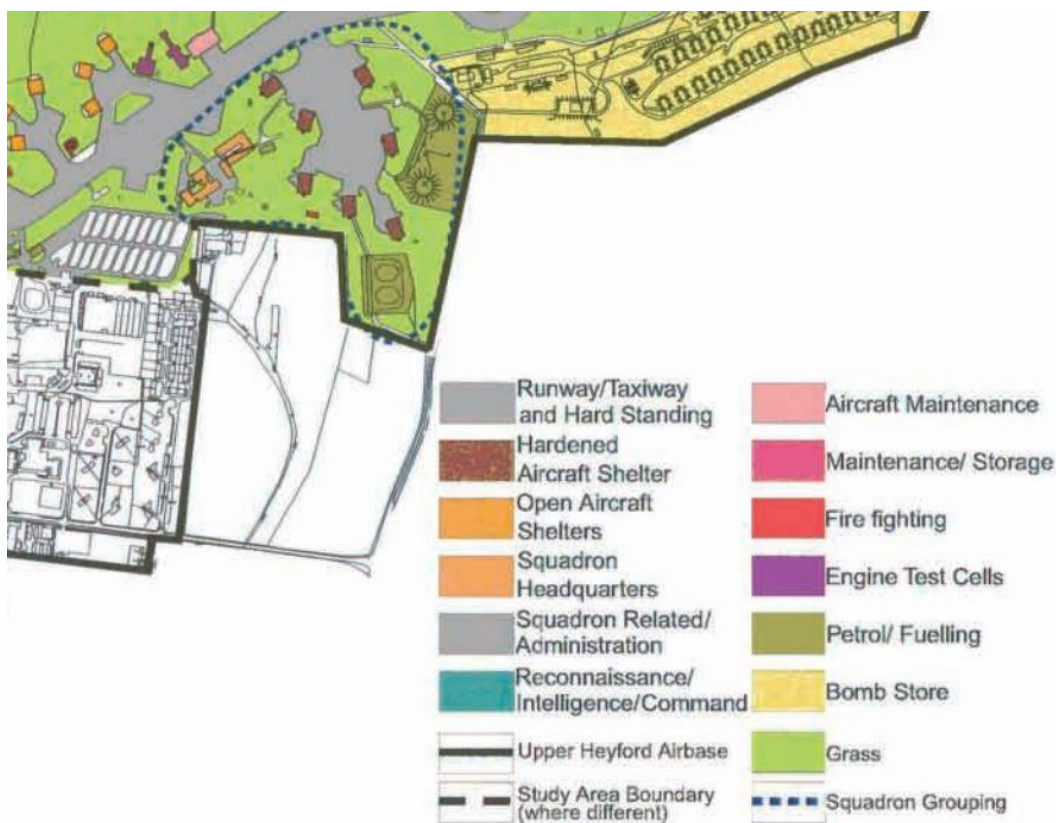


Figure 3 Functions of the buildings and structures on the Flying Field during the Cold War (RAF Upper Heyford Conservation Area Appraisal – Core Document G5)

The 2018 hybrid application proposes this squadron grouping as an 11.1ha Creative City zone; retaining and converting them into uses associated with filming, gaming and creative industries and erecting new buildings next to the structures up to 18m in height and 10.5m around the boundary. The southern HAS is proposed as a covered entrance way for the main security gate with access indicated off Chilgrove Drive. The remaining HASs would become a set of stages, workshops and production offices arranged around the existing hardstanding.

Commercial buildings are proposed south of the Creative City zone on 2.3ha north-east of the Site, with a separate access off Chilgrove Drive also serving the Creative City zone. The parcel is known as part of Commercial zone Z9.



Figure 4: Commercial zone Z9 proposed north-east of the Site (Core Document N7)

The HASs are known as buildings 3036, 3037, 3038, 3039, 3040, and 3042. The approved description of development specifies the proposed change of use of these buildings for employment use (Class B1b/c, B2, B8).

The Building Heights Parameter Plan (Core Document N6) allow for building heights of up to 18m within most of the Creative City and Commercial zones, with the exception of no building allowed in the centre of the HASs and lower 10.5m building heights along party of the south-west boundary.

The Composite Parameter Plan (Core Document N5) shows a primary pedestrian/cycle route running along close to the northern boundary of the Site (added as part of the amended submission) and a security fence around the Creative City and Commercial zones. It also shows a strategic landscape buffer along part of the northern boundary.

Western boundary

There are currently three applications relevant to the land to the west of the Site:

1. Full planning application 15/01357/F for 89 dwellings submitted by Pye Homes. Planning permission was granted on 14th September 2023 alongside a signed S106 Agreement.
2. Outline planning application 21/03523/OUT is for 31 dwellings submitted by Pye Homes. Planning permission was granted on 14th September 2023 alongside a signed S106 Agreement.
3. Full planning application 22/03063/F was submitted on land spanning the two above applications. The application is by David Wilson Homes for 126 dwellings with access from Camp Road, provision of public open space and associated infrastructure. The application is currently being considered.

The land subject to the above applications is allocated as part of Policy Villages 5 of The Cherwell Local Plan 2011-2031 - Part 1.

Emerging Policy

A Cherwell Local Plan Review 2040 Consultation Draft dated September 2023 (Core Document H1) was being consulted upon between 22nd September 2023 to 3rd November 2023. The Site is a draft allocation as part of a tract of land for 1,235 dwellings within Core Policy 82: Heyford Area Strategy. The wider draft site allocation is named 'South of Heyford Park (LPR42a)'.

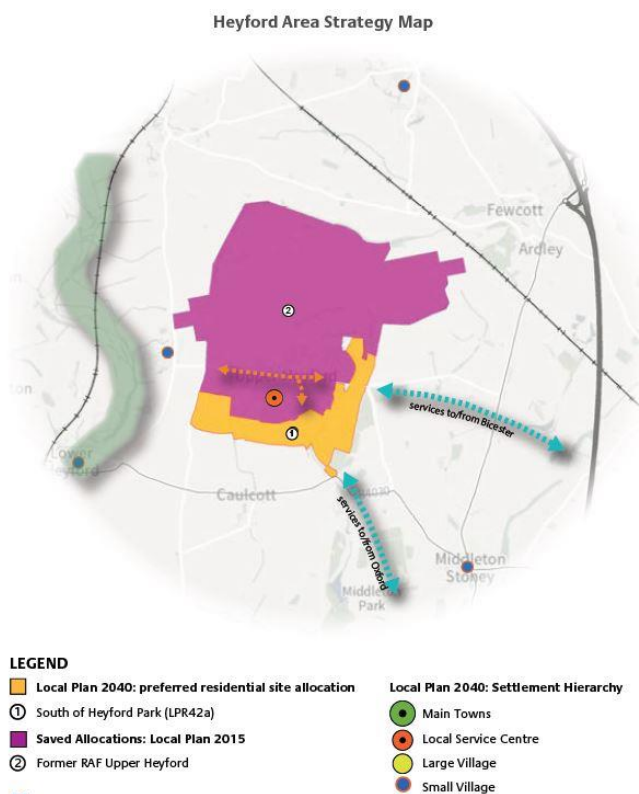


Figure 5 A map of the draft allocation (Core Document H1)

Summary

The above has identified extensive planning history of relevance surrounding the site, including:

- Approved proposals to realign and upgrade Chilgrove Drive along the eastern boundary of the Site;
- Approved commercial proposals north of the Site within the Conservation Area including a security fence and Creative City zone which would retain convert the squadron grouping of seven Hardened Aircraft Shelters into uses associated with filming, gaming and creative industries and construct buildings alongside them; and
- Live residential applications west of the Site.

It is also noted that the Site had been Draft allocated at Regulation 18 stage of the emerging Draft Cherwell Local Plan Review consultation which is currently ongoing.