

Case Officer: Andrew Lewis

Recommendation: Permit

Applicant: Upper Heyford GP Limited and Upper Heyford Nominee

Proposal: Variation of condition 1 (time limit) of 18/02169/F - proposed extension of temporary use of eastern part of southern taxiway for car processing

Expiry Date: 19 March 2021

Extension of Time: 1st April 2021

1. APPLICATION SITE AND LOCALITY

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

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. 17 hectares was authorised on the flying field at RAF Upper Heyford for "Car Processing" at an appeal in January 2010. This part of the site is essentially car parking after delivery and before departure, and before and after processing. This processing can consist of several roles undertaken elsewhere on the site but including inspections, body shop work, valeting, mechanical work, etc.
- 2.2. The application site consists of a mix of runway, taxiway and other hardstanding. The larger part of it (5.84 hectares) had temporary permission to be used for car processing, mainly car parking, originally until April 2014, and then again until May 2019. This was in part to facilitate a transitional period, where it downsized from a larger area of almost 25 hectares from which it previously operated, including the main runway. In 2019 planning permission was granted for a further temporary period until the end of 2021 pending approval of a masterplan for the base. In that masterplan, the car processing is relocated to an area on the western side of the flying field.
- 2.3. The masterplan now has a resolution to approve by the Planning Committee in November 2020 subject to completion of a s106 agreement, which has yet to be completed. This application therefore seeks to further extend the temporary period of use and the applicant's agent has suggested a further 28-month extension, **until 30th April 2024.**

- 2.4. The original applicant, Paragon Fleet Solutions Ltd is part of the BCA Group which is a company that operates across every link of the post-factory automotive value chain, offering a range of linked services throughout the lifecycle of a vehicle's life. The Group provides comprehensive vehicle management services to Original Equipment Manufacturers (OEMs) and fleet owners and facilitates efficient changes in ownership between all types of vendors and buyers throughout the typical 12 to 15-year life span of a vehicle. Remarketing services are at the core of the Group's business model, managing vehicle transactions between vendors and buyers. About 600 people are employed on site by BCA.
- 2.5. The applicant maintains (through a resubmission of their 2018 support documents) that they need to process approximately 8,000 vehicles a year to be viable, currently it is about 6,000. At the time of the Public Inquiry (refer to planning history – paragraph 3.4) they were processing some 9,500 but have since ceased their rental car operation (3,300 cars).
- 2.6. No particular evidence is advanced as to why a 28-month period of extended use is required other than a need to permit continued vehicle storage operations pending final approval of the site masterplan under application 18/00825/HYBRID, which is awaiting completion of a s.106.

3. RELEVANT PLANNING HISTORY

- 3.1. In terms of the uses on Upper Heyford, the military use ceased in 1994. Since 1998 the site has accommodated several uses in existing buildings, first under temporary planning permissions, latterly under a permanent permission granted on appeal and the subsequent application approvals. The part of the base subject to this planning application has been largely used for car storage for some years, albeit only on temporary permissions.
- 3.2. The base was designated a conservation area in 2006, its primary architectural and social historic interest being its role during the Cold War. The nature of the site is defined by the historic landscape character of the distinct zones within the base. The designation also acknowledges the special architectural interest, and as a Conservation Area, the character of which 'special attention shall be paid to the desirability of preserving or enhancing'. This provides the context and framework to ensure the character and appearance of the Cold War landscape is preserved.
- 3.3. This application is on the Flying Field and crosses a number of character zones, as classified in the Conservation Appraisal, which can be summarised as:
 - 1D. South Aircraft Shelters
The open aircraft shelters located in this area lack the dominant presence of the HASs. Current usage has robbed the landscape of any defining characteristics;
 - 3. Runway East Terminal
This area has some of the characteristics of 1A but the land dips slightly to the east and there are wide views across the more-or-less level surrounding farmland of the Fritwell and Caulcott Plateaux. The overall character is therefore very different from 1A and the area lies outside the 1940s core, having been constructed in the 1950s;
 - 6 Southeast HASs
This area has a distinctive character because the HASs and ancillary structures are relatively close together but the visual link with the major part of the Landscape of Flexible response is poor and it lacks the simplicity and openness of Area 1;

- 1A Central Runway
Open landscape dominated by the uniform planes of meadow grassland and hard surfaces and by the wide horizons. The area is surrounded by HASs (Hardened Aircraft Shelters) and includes the control tower. The CWS (County Wildlife Site) is located towards the eastern end of the area.
- 3.4. Numerous applications have been made seeking permission over the last 25 years or so to either develop the base or large parts of it and several of them went to appeal for determination. The most significant was application 08/00716/OUT. This was subject to a major public inquiry that commenced in September 2008. The Council received the appeal decision in January 2010 that allowed *“A new settlement of 1,075 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).”*
 - 3.5. On policy grounds, the Secretary of State (SoS) deemed that development was in general conformity with the Oxfordshire Structure Plan policy H2 (the relevant development plan policy at the time) which sought to provide a community of about 1000 dwellings with schools and employment opportunities, and that it would enable environmental improvements, conserve heritage interests and provide appropriate level of employment. In terms of employment, the SoS recognised that businesses were well established and there were 500 people employed in car processing at the site at that time. Economic benefits were a "weighty material consideration, although they did not in themselves outweigh the harm to the character of the conservation area. However, the appeal Inspector also referred 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 that their retention and reuse would outweigh the breach in the number of jobs limited on the site. Shops would also provide a service to the community and the employment would stop Heyford becoming a dormitory settlement.
 - 3.6. The SoS concluded the proposal would substantially accord with the development plan, i.e. Structure Plan policy H2 and 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.
 - 3.7. The grant of planning permission authorised many of the uses being undertaken at the site and sets out the template for future development. In terms of the main employment use, i.e. car processing. The SoS agreed with the Inspector that harm would be caused to the Conservation Area and would not achieve environmental improvements. However, it was outside the core historic area, in the least significant part of the site overall and largely concealed from public views. A balance had to be struck between preservation and enhancement and the exceptional circumstances argument put forward by the appellant. In the end, it was resolved to accept the reduced area of 17 hectares and alter the entrance to the site to lessen the visual impact of car storage.
 - 3.8. The uses and development permitted upon the flying field at the appeal have been implemented under the appeal permission.
 - 3.9. The development of the settlement and technical areas has been delayed as the site was acquired by new owners who decided to refine the approved scheme. As a result, a new residential masterplan was drawn up and submitted as part of an outline application for: *“Proposed new settlement for 1075 dwellings, together with associated works and facilities, including employment uses, a school, playing fields and other physical and social infrastructure”* and was granted permission on 22nd

December 2011 (ref 10/01642/OUT). The planning permission included a number of plans with which compliance was required including a masterplan, a retained buildings plans and other plans showing layouts all of which included the demolition of all buildings on this site. A large number of reserved matters have been submitted, approved and implemented for permission 10/01642/OUT. As a result of this the new settlement is starting to take shape.

- 3.10. Furthermore, the whole base is currently subject of a further masterplan application (reference 18/00825/HYBRID) seeking to implement the Cherwell Local Plan policy Villages 5. There are implications for the continued use of the site for “car operations” which are proposed to be retained and relocated further to the west of the site.
- 3.11. Below is a list of the most relevant applications referred to above and relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
08/00716/OUT	OUTLINE application for new settlement of 1075 dwellings, together with associated works and <i>facilities</i> including employment uses, community uses, school, playing fields and other physical and social infrastructure (as amended by plans and information received 26.06.08).	Allowed on appeal
10/01642/OUT	Outline - Proposed new settlement of 1075 dwellings including the retention and change of use of 267 existing military dwellings to residential use Class C3 and the change of use of other specified buildings, together with associated works and facilities, including employment uses, a school, playing fields and other physical and social infrastructure	Application Permitted
10/00107/DISC	Discharge of Condition no. 49 of 08/00716/OUT (Security for car processing area)	Application Permitted
12/00040/F	Change of use to allow the continued use of land, buildings and other structures and continued retention of security trench, concrete rings and temporary lamp posts until 1st April 2014.	Application Permitted, for temporary period
13/01599/F	Change of use of the eastern part of southern taxi way for use in connection with established and lawful car processing operations	Application Permitted, temporary for 5 years

18/00825/HYBRID	<p>Demolition of buildings and structures as listed in Schedule 1; Outline planning permission for up to 1,175 new dwellings (Class C3); 60 close care dwellings (Class C2/C3); 929 m2 of retail (Class A1); 670 m2 comprising a new medical centre (Class D1); 35,175 m2 of new employment buildings, (comprising up to 6,330 m2 Class B1a, 13,635 m2 B1b/c, 9,250 m2 Class B2, and 5,960 m2 B8); 2.4 ha site for a new school (Class D1); 925 m2 of community use buildings (Class D2); and 515 m2 of indoor sports, if provided on-site (Class D2); 30m in height observation tower with zip-wire with ancillary visitor facilities of up to 100 m2 (Class D1/A1/A3); 1,000 m2 energy facility/infrastructure with a stack height of up to 24m (sui generis); 2,520 m2 additional education facilities (buildings and associated external infrastructure) at Buildings 73, 74 and 583 for education use (Class D1); creation of areas of Open Space, Sports Facilities, Public Park and other green infrastructure; Change of Use of the following buildings and areas: Buildings 357 and 370 for office use (Class B1a); Buildings 3036, 3037, 3038, 3039, 3040, 3041, and 3042 for employment use (Class B1b/c, B2, B8); Buildings 217, 3102, 3136, 3052, 3053, 3054, and 3055 for employment use (Class B8); Buildings 2010, 3008, and 3009 for filming and heritage activities (Sui Generis/Class D1); Buildings 2004, 2005 and 2006 for education use (Class D1); Buildings 366, 391, 1368, 1443, 2007, 2008 and 2009 (Class D1/D2 with ancillary A1-A5 use); Building 340 (Class D1, D2, A3); 20.3ha of hardstanding for car processing (Sui Generis); and 76.6ha for filming activities (Sui Generis); the continuation of use of areas, buildings and structures already benefiting from previous planning permissions, as specified in Schedule 2; associated infrastructure works including surface water attenuation provision and upgrading Chilgrove Drive and the junction with Camp Road</p>	<p>Resolution to grant pending completion of an acceptable s106</p>
-----------------	--	---

4. PRE-APPLICATION DISCUSSIONS

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

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **4 February 2021**.
- 5.2. No comments have been raised by third parties.

6. RESPONSE TO CONSULTATION

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH COUNCIL

- 6.2. Heyford Park Parish Council: No comments received

STATUTORY CONSULTEES

- 6.3. Historic England: No comments

NON-STATUTORY CONSULTEES

- 6.4. CDC Conservation Officer: No objection pending implementation of the long-term plan.
- 6.5. OCC-Transport Development Control: No objection though reference to conditioning footpaths is requested.

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- VIL5 - Former RAF Upper Heyford
- ESD15 - The Character of the Built and Historic Environment
- PSD1 - Presumption in Favour of Sustainable Development

- BSC2 - The Effective and Efficient Use of Land
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built Environment
- ESD17 - Green Infrastructure
- INF1 - Infrastructure
- SLE4 - Improved Transport and Connections

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

MID CHERWELL NEIGHBOURHOOD PLAN

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

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

7.4. Other Material Planning Considerations

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

8. APPRAISAL

8.1. In 2019 the key issues for consideration in this case were:

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

8.2. Planning permission granted at the appeal in 2010 included use of 17 hectares of the flying field (mainly hardstanding and consisting of the former runways and taxiing area) for car processing. This was defined as the inspection, valeting,

washing, repairing, tyre replacement, processing and delivery of cars and other car processing activities as may be required from time to time. This area was based on the minimum operational requirement of the business taking place by the current applicant. This land was considered to be the least sensitive part of the overall site being outside the core area of national significance, largely concealed from public views and from the Aves Ditch public footpath.

- 8.3. Nonetheless, the site was in the Conservation Area and in the view of the Inspector its use would still cause harm but, after weighing up the economic benefits and possible level of job losses, the Secretary of State considered what was approved to be a reasonable balance between what he considered to be exceptional economic circumstances and conservation of heritage assets.
- 8.4. However, the applicant found the need to continue using much of the unauthorised hard standing, including the main runway, for car storage and their logistical operation. This led on to an application in 2012 in which a transitional arrangement was agreed whereby the applicant moved cars off the most sensitive areas and was given a temporary permission to use land the subject of the present application plus a further piece of runway some 170m further east until April 2014 (ref 12/00040/F). This was based on a two-year period by which time it was anticipated elements of the business could be transferred elsewhere and the Heyford site re-configured.
- 8.5. Although the rental arm of the business has now been transferred it seems the two other main elements, demonstration and company vehicles, have taken up the slack. In addition, the company is in another period of transition awaiting the outcome of the masterplan application for the whole site and in which they are scheduled to move their operation further west. So, the original application was submitted seeking to maintain an area for storing up to 8,000 vehicles. It came in with various supporting documents seeking to justify its case both economically and on grounds that it will not cause harm as previously considered.
- 8.6. The application rested on a decision as to whether the harm to the conservation area was outweighed by the economic benefits from the expansion of the use. That the proposals are harmful to the character and appearance of the Conservation Area was accepted at the last appeal. Given the harm arising to the Conservation Area from the current proposal, the NPPF advises that 'great weight' should be given to heritage assets and any harm or loss should require clear and convincing justification.
- 8.7. However, the NPPF also emphasises the weight to be given to sustainable economic development and Paragon are a major employer in the District and of a type which has invested in a high degree of skill for its workforce and in technology. Previously the Council were advised the proposal would enable them to take on new contracts and generate new employment and result in a further investment in the site and this appears to have been the case with over 100 additional staff now employed at Heyford Park.
- 8.8. The Council were considering a masterplan for Heyford Park in which the applicant would be relocated to the west of this site so any harm from the proposed continued temporary use would be short term. In 2019 it was considered on balance having carefully weighed the issues that the proposal would amount to a sustainable form of development granted permission for the continued use and expansion of the car storage area for a temporary period until 31st December 2021.
- 8.9. The masterplan application has subsequently progressed with a resolution to grant planning permission for application 18/00825/HYBRID in November 2020, although the s106 has not yet been completed.

8.10. It has therefore been requested that Condition 1 is varied to: **"The permission hereby granted shall be temporary until 30th April 2024 and the use hereby permitted shall be discontinued and the land be restored to its former condition on or before that date."**

8.11. In support of the application it has been pointed out that *"the economic benefits arising from the proposed lifetime extension to retain Paragon at the site include:*

- *Approximately 232 employees employed at the Upper Heyford site plus 100 operational agency workers. In addition, there are IT, finance and other personnel employed at the site, so approximately 400 employees in total;*
- *Wage expenditure of approximately £12m per annum; and*
- *Expenditure with local suppliers of approximately £15m per annum."*

These were the same benefits advocated in 2018 when the last extended temporary consent was granted. As the applicant points out, these benefits remain *"a material consideration that weighs significantly in favour of the variation of the condition particularly when viewed through the optics of the continuing Covid-19 pandemic and the economic consequences which will ensue from that"*.

8.12 However, nothing is specifically advanced by the applicant in support of a time extension until the end of April 2024, which is 37-months hence. The rationale for extending this temporary consent is to enable the masterplan accompanying the new Hybrid consent to be agreed, for the s.106 planning obligation agreement to be finalised and for alternative space to be made available for the cars storage businesses to relocate to. Bearing in mind that a resolution to grant permission has already been agreed, it is not reasonable to assume that it would take more than three years to resolve matters and make alternative land available.

9. PLANNING BALANCE AND CONCLUSION

9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.

9.2. It is therefore considered on balance having again carefully weighed the issues the proposal would amount to a sustainable form of development and it is recommended to grant permission for the continued use and expansion of the car storage area for a temporary period but only until 30th April 2023.

10. RECOMMENDATION

That permission is granted, subject to the following condition

1. The permission hereby granted shall be temporary until 30th April 2023 and the use hereby permitted shall be discontinued and the land shall be restored to its former condition on or before that date.

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

Case Officer: Andrew Lewis

DATE: 24th March 2021

Checked By: Andy Bateson

DATE: 25th March 2021
