

11 January 2010

Mr Mervyn Dobson
Pegasus Planning Group
Queens Business Centre
Whitworth Road
Cirencester
GL7 1RT

Our Ref: APP/C3105/A/08/2080594
along with Conservation Area Consent appeals:
APP/C3105/E/08/2069311; APP/C3105/E/08/2069313;
APP/C3105/E/08/2069314; APP/C3105/E/08/2069315;
APP/C3105/E/08/2069316; APP/C3105/E/08/2069318;
APP/C3105/E/08/2069321; APP/C3105/E/08/2069324;
APP/C3105/E/08/2069327; APP/C3105/E/08/2069329;
APP/C3105/E/08/2069331; APP/C3105/E/08/2069333;
APP/C3105/E/08/2069334; APP/C3105/E/08/2069335;
APP/C3105/E/08/2069337; APP/C3105/E/08/2069339;
APP/C3105/E/08/2069340; APP/C3105/E/08/2069341;
APP/C3105/E/08/2069343; APP/C3105/E/08/2069345;
APP/C3105/E/08/2069346; APP/C3105/E/08/2069347;
APP/C3105/E/08/2069349; APP/C3105/E/08/2069350.

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78 AND
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 –
SECTION 20
APPEALS BY NORTH OXFORDSHIRE CONSORTIUM LTD – SITE AT HEYFORD
PARK, CAMP ROAD, UPPER HEYFORD, BICESTER, OX25 5HD**

**APPLICATION REF: 08/00716/OUT (THE LEAD APPEAL), TOGETHER WITH 24
CONSERVATION AREA CONSENT APPEALS**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Daphne Mair BA(Econ) MPhil MRTPI, assisted by Elizabeth Hill BSc(Hons) BPhil MRTPI, who held a public local inquiry on 20 September to 24 October 2008, 16 and 17 December 2008, 12 January 2009 and 16 March 2009 (when it was adjourned) into:
 - your Clients' appeal under section 78 of the Town and Country Planning Act 1990 ("the lead appeal") against the failure of Cherwell District Council (CDC) to give notice within the prescribed period of a decision on an application for outline planning permission for a new settlement of 1075 dwellings, together with associated works and facilities, including employment uses, community uses, a school, playing fields and other physical and social infrastructure (application ref: 08/00716/OUT dated 3 March 2008);
 - appeals under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against refusal of Conservation Area Consent for the demolition of buildings (applications Refs 07/: 02287, 02299, 02342, 02346, 02352 - 54, 02358-60, 02303, 02307, 02332, 02337, 02347 - 51, 02355, 02357, 02294, 02295 and 02296 (all suffixed CAC) and dated 6 November 2007); and

- those appeals listed at Appendix 2 to the Inspector's Report (IR) which were put into abeyance on 16 March 2009.
2. In exercise of powers under Section 79 and paragraph 3 of Schedule 6 to the Town and Country Planning Act 1990, all these appeals were recovered for the Secretary of State's own determination by Direction made on 17 July 2008. The reason for recovery was that the lead appeal involves development of more than 150 dwellings which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that, subject to the resolution of two matters identified in her conclusions, the lead appeal should be allowed and planning permission granted subject to conditions. She also recommended that, subject to the lead appeal being allowed, all the conservation area appeals should also be allowed and conservation area consent granted. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and, having pursued with the parties the matters which she identified as needing resolution in relation to the lead appeal as described in paragraphs 6 - 11 below, agrees with her recommendations in respect of all the appeals. For the main parties, a copy of the full 249-page Inspector's Report is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report. For all other parties, a copy of the Inspector's conclusions only is attached. A copy of the full report can be obtained from the address at the foot of the first page of this letter.

Procedural matters

4. The Secretary of State has taken account of the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and the updates to that Statement made in June 2008 (IR2.19-2.20). Taken together with the further information submitted in September 2008 in response to an Article 19 Direction made on 21 August 2008 (IR2.21-2.23), the Secretary of State is satisfied that the Environmental Statement complies with the above regulations. He agrees with the Inspector (IR19.12) that sufficient information has been provided for him to assess the environmental impact of the application and that the ES as a whole is adequate (IR19.13).
5. An application was made by your client for award of costs against CDC. The Secretary of State's decision on this application is the subject of a separate letter.

Matters arising after the close of the inquiry

6. As indicated in paragraph 3 above, the Inspector recommends that, subject to the resolution of two matters identified in her conclusions (IR19.424-19.425), the lead appeal should be allowed and, in order to meet one of her concerns by reducing the harm caused by the ranks of parked vehicles to what she considers would be an acceptable level, a condition should be imposed restricting the extent of such parking as defined in her Report. She acknowledges, though, that as no such

condition was discussed at the inquiry the parties would need to be consulted on such a possibility before it could reasonably be imposed. The Secretary of State therefore wrote to the main parties on 8 September 2009 inviting submissions on the feasibility of achieving the visual improvement the Inspector suggests.

7. In response, your clients replied on 6 October 2009 enclosing two plans and suggesting the text for an appropriate condition. They indicated that they would be prepared to accept the principle of a modification to the car storage area as suggested by the Inspector and indicated on one of the plans enclosed with their response. However, they also said that the site operators would find a minor adjustment to the Inspector's proposal (as indicated on the other plan which they enclosed) more practical for operational reasons. In their joint reply of 6 October 2009 to the Secretary of State, CDC and Oxfordshire County Council (jointly referred to below as "the Councils") expressed considerable reservations about the ability of the Inspector's proposed modifications to achieve the aim of minimising the harm caused to the appearance of the Conservation Area; and English Heritage (EH) had already responded on 28 September 2009, expressing the view that the extent to which the car processing operation makes use of taxiways to store cars would be harmful to the character of the Conservation Area and that the Inspector's proposed amendment would not overcome its concerns.
8. The Secretary of State then circulated these responses on 15 October 2009 to the main parties, and you replied on 30 October 2009 on behalf of your clients accepting that, if a condition were to be imposed as recommended, they would accept that all external car processing activity would be restricted to the amended defined area. The Councils again responded jointly, on 27 October 2009, maintaining their view that the limited change in area would not mitigate the harm to the appearance of the Conservation Area; and EH confirmed in a letter of 30 October 2009 that it does not consider that either the Inspector's proposed condition or the variation proposed in your clients' letter of 6 October 2009 would overcome the problems of visual intrusion being materially harmful to the character of the conservation area.
9. The Inspector's other concern (IR19.425) was that the information put before the Inquiry had cast some doubt on the ability of your clients to be able to honour their commitment in the Unilateral Undertaking as it then stood to fund a primary school and secondary education places. The Secretary of State's letter of 8 September 2009 therefore also indicated that he would require further information from your clients to demonstrate that the funding would be available to the local education authority at the right times to ensure that the appropriate number of school places would become available to meet the need as it was generated by the occupation of the proposed housing. The Secretary of State also expressed concerns in that letter about the enforceability of the provisions in the Unilateral Undertaking as it then stood with regard to the arrangements for affordable housing and for the future management of facilities.
10. In response, your clients indicated in their letter of 6 October 2009 that, through a supplemental Obligation, they were prepared to offer staged payments to ensure that education contributions could be kept in line with demand. They also said that they would use the supplemental Obligation to provide greater clarity with regard to the provision of affordable housing and other community facilities. The

letter of 6 October 2009 from the Councils indicated that there had not by then been time for them to consider the matter of the education contributions; whilst a joint response of the same date from your clients and CDC confirmed that new arrangements were being prepared in the proposed supplemental Obligation with regard to the affordable housing provisions. Your letter of 30 October 2009 enclosed a final draft of the supplemental Obligation which had been discussed with the Councils and which included arrangements for the staged payment of education contributions and amended provisions relating to affordable housing and other community facilities. Your clients' solicitors then sent an executed and dated version of that supplemental Undertaking to the Secretary of State on 13 November 2009.

11. Annex A sets out the full list of the representations received by the Secretary of State following the close of the inquiry. The Secretary of State has taken account of all this correspondence in considering these appeals, including correspondence from the Oxford Trust for Contemporary History and the Environment Agency which he is satisfied does not raise any relevant new matters not considered at the Inquiry. Copies of all the correspondence can be made available upon written request to the address at the foot of the first page of this letter.

Policy considerations

12. In determining these appeals, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
13. In this case, the development plan comprises the Regional Spatial Strategy for the South East (the South East Plan (SEP)), which was published on 6 May 2009; the Oxfordshire Structure Plan 2016 (2005) (SP) and the CDC Local Plan 1996. Although, at the time of the inquiry, the SEP had yet to be published in its final form, SP policy H2 had already been saved in September 2008; and the Secretary of State agrees with the Inspector (IR5.2) that that is the key policy in this case as it provides for the appeal site to plan for a new settlement of about 1,000 dwellings as a means of enabling environmental improvements and the conservation of the heritage interest across the whole site. This saved policy also requires proposals for development to reflect a revised comprehensive planning brief and, to this end, CDC adopted the RAF Upper Heyford Revised Comprehensive Planning Brief (RCPB) as a Supplementary Planning Document (SPD) in 2007 setting out the aims for the site in further detail. As this had been subject to public consultation but not to independent scrutiny, the Secretary of State gives it some weight as a material consideration (see paragraph 20 below).
14. Other material considerations which the Secretary of State has taken into account include: Planning Policy Statement (PPS) 1: *Delivering Sustainable Development*; PPS3 (*Housing*); PPS6 (*Planning for Town Centres*); PPS7 (*Sustainable Development in Rural Areas*); Planning Policy Guidance Note (PPG) 4 (*Industrial, commercial development and small firms*); PPG13 (*Transport*); PPG15 (*Planning and the Historic Environment*); PPG16 (*Archaeology and*

Planning); Circular 11/95 (*Planning Conditions*); and Circular 05/2005 (*Planning Obligations*).

15. The Secretary of State has taken into account both the draft PPS4 (*Planning for Prosperous Economies*), published for consultation in May 2009, and the final version of that Statement published on 29 December 2009. However, he does not consider that the contents of PPS4 as published (which replaces not only PPG4 but also PPG5, PPS6 and parts of PPS7) raise any new matters relevant to his determination of these appeals that would either affect his decision, or require him to refer back to the parties for further representations prior to reaching his decision. The Secretary of State has also taken into account draft PPS15: *Planning for the Historic Environment*, published for consultation in July 2009. However, as that document is still at consultation stage and may be subject to change, he affords it little weight.
16. In determining these appeals the Secretary of State has had regard to the various listed buildings on the appeal site (IR2.18) and, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, he has paid special regard to the desirability of preserving the listed structures or their setting or any features of special architectural or historic interest which they may possess. Furthermore, as the lead appeal site is coterminous with the RAF Upper Heyford Conservation Area (except in so far as the appeal site also includes the sewage treatment works (IR2.16)), the Secretary of State has also paid special attention to the desirability of preserving or enhancing the character or appearance of that area, as required by section 72(1) of the same Act.

Main issues

17. The Secretary of State considers that the main issues in relation to the lead appeal are:
 - The policy context for the proposal, with particular reference to the development plan and the guidance provided in PPG 15;
 - Design Principles and PPS1;
 - Housing and sustainability of location;
 - Planning Conditions and Planning Obligation.

He has also given careful consideration to the “other matters raised”, as reported by the Inspector at IR19.225-19.238, but he is satisfied that these do not raise any additional issues which would affect his decision.

18. The Secretary of State also agrees with the Inspector that the main considerations with regard to the 24 Conservation Area Consent appeals are those which she sets out at IR19.392.

The policy context for the proposal, with particular reference to the development plan and the guidance provided in PPG 15

Structure Plan policy H2

19. The Secretary of State agrees with the Inspector (IR19.24) that the main consideration is whether, having regard to the Development Plan and other material considerations, the proposal strikes an acceptable, reasonably sustainable balance between securing the long-term future of the appeal site and its built and natural heritage, achieving high quality design and providing a level of employment that is appropriate within the context of the site's location and limited access to services. The Secretary of State also agrees with the Inspector (IR19.28) that where, as in this case, the SP includes a site-specific policy, other general policies should be regarded as having been complied with, or outweighed by, site specific considerations; and he further agrees with her (IR19.33) that, as the location of the airbase in a rural location cannot be altered, that has to be taken into account in the interpretation of policy. He also agrees with her (IR19.53) that (subject to appropriate conditions and Undertakings – see paragraphs 40 – 43 below) the appeal proposals would provide the necessary infrastructure as required by SP policy H2a.
20. The Secretary of State further agrees with the Inspector (IR19.35) that the terms of SP policy H2 do not, in themselves, justify development beyond that required to meet the stated aims of that policy of supporting a settlement of “about 1000 dwellings” and that, for the reasons given in IR19.36-19.50, there is no direct support in Policy H2a for a level of employment beyond that needed to support a community of that size (IR19.52). He also agrees with the Inspector (for the reasons she gives in IR19.140) that, notwithstanding the wording used in policy H2b, the SPD should not attract the additional weight that SP policy H2 appears to envisage and it should instead be treated and weighed as a material consideration.
21. The Secretary of State therefore concludes that the appeal proposals are in general conformity with SP policy H2 in providing for a new settlement of about 1,000 dwellings as a means of enabling environmental improvements and the conservation of the heritage interest, even though they do not reflect the details of the way in which the SPD envisaged that this should be achieved, including with regard to the appropriate level of employment (which he considers further in paragraph 33 below). He has therefore gone on to consider whether there are sufficient material considerations to justify the appeal proposals, having particular regard to securing the heritage interest of the site in a manner compatible with the guidance in PPG15.

The SPD and its relationship to policy guidance in PPG15

22. The Secretary of State agrees with the Inspector (IR19.56) that the primary reason for designating the site as a Conservation Area was for its Cold War importance and (IR19.60) that buildings that are characteristic of the Cold War landscape can be harmful to other interests. Thus, for the reasons given at IR19.57-19.69, although the Secretary of State agrees with the Inspector's conclusion at IR19.70 that environmental improvements are necessary at the airbase and would accord with the Development Plan, he also agrees with her

conclusion at IR19.71 and IR19.115 that there is very little, or no, support for the scale of demolition proposed in the SPD as a means of securing environmental improvements.

Perimeter fence

23. With specific regard to the perimeter fence, the Secretary of State agrees with the Inspector that, for the reasons which she gives at IR19.72-19.79, the proposals contained in the lead appeal would achieve an appropriate balance between Cold War and wider rural landscape benefits.

Car processing use

24. Turning to the car processing use, the Secretary of State notes that it is a matter of fact that some 500 people are currently employed by this enterprise (IR19.204), and that it has become well established during its 13 years on the lead appeal site as a major local employer of importance to the economy of the CDC area (IR19.205). The Secretary of State also notes (IR19.80) that, while the SPD indicates 7ha as the maximum potentially acceptable area for car processing and the associated storage, the Inspector found on her site visits that the enterprise is currently using an area of runways, taxiways and adjacent areas even larger than the 17ha which is proposed in the lead appeal scheme. He also notes that she reported at IR19.206 that the need for a minimum of 17ha of hardstanding area as well as several buildings in order for this enterprise to function effectively was not challenged at the Inquiry.

25. For the reasons given at IR19.82-19.100, the Secretary of State agrees with the Inspector's conclusions at IR19.86 and IR19.101 that the proposed area of 17ha for outdoor car staging would not achieve an environmental improvement and would seriously harm the character and appearance of the Conservation Area. He also agrees with her (IR19.102 and IR19.203) that, in accordance with paragraph 4.19 of PPG15, the preservation or enhancement of the character or appearance of a Conservation Area must be given high priority, with a presumption against granting planning permission which would conflict with that objective unless there are exceptional overriding circumstances.

26. However, in agreeing with the Inspector on the harm which the car processing activity would cause to the character and appearance of the Conservation Area, the Secretary of State has also taken account of her opinions on the degree of impact. He notes that, although the defined area for outdoor processing is within the Conservation Area, it lies outside the Core Area of National Significance in the SPD (IR19.87) and away from most of the Scheduled and Listed buildings (IR19.88); and he therefore agrees with the Inspector that the lead appeal proposal attempts to minimise the visual impact of parked vehicles by using the least sensitive part of the wider site. He also has no reason to disagree with the Inspector's conclusion at IR19.95 and IR19.201 that, for the reasons given at IR19.89-IR19.95, the impact of the car processing use and associated open storage would be concealed from public views outside the site and scarcely visible from the reopened Aves Ditch public footpath.

27. Against this, the Secretary of State also agrees with the Inspector (IR19.98) that the gateway is of paramount importance to the character and appearance of the Flying Field - which was the major reason for the designation of the Conservation

Area as a whole. He therefore gives significant weight to the Inspector's observation that the lead appeal proposal would allow the first and last impressions of visitors to the Flying Field to be dominated by the car processing activity. He has no reason to disagree with her (IR19.202) that the harm arising from this to the appearance of the Conservation Area would be substantial and, in signalling that the Flying Field was principally an area where precedence is given to business uses, would be contrary to the aim of SP policy H2, as well as running counter to PPG15 (IR19.203). The basic issue facing both the Inspector and the Secretary of State is, therefore, the appropriate balance to be struck between the preservation or enhancement of the character or appearance of the Conservation Area and the extent to which there are exceptional circumstances to justify overriding that presumption.

28. For the reasons given at IR19.204-19.215, the Secretary of State agrees with the Inspector that the loss of the jobs and other economic benefits which the car processing activity brings to the District (with no realistic prospect of an alternative location in the area – IR19.214) is a very weighty material consideration in favour of the proposal. He also agrees (IR19.216) that, without something along the lines of the proposals in the lead appeal, there can be no certainty that the improvements sought in the SPD would materialise although, like the Inspector (IR19.217-19.218), he accepts that there is no evidence that those improvements could not be provided without the car processing use - albeit involving further delay.
29. Taking all that into account, the Secretary of State agrees with the Inspector's conclusion at IR19.219-19.220 that the economic considerations arising from the likely loss of the car processing enterprise to the District would not outweigh the harm to the character of the Conservation Area and to its appearance from semi-public views, and that that cannot be mitigated fully while accepting the car processing activity as proposed in the lead appeal scheme. However, as described in paragraphs 6-8 above, following receipt of the IR the Secretary of State has pursued with the parties the scope for modifying the extent of the parking area for massed groups of cars with a view to achieving some amelioration, as suggested by the Inspector at IR19.222; and your clients have indicated that they would be willing to accept the Inspector's proposal.
30. Your clients also stated that the operators of the car processing enterprise would prefer a small modification to allow for a limited amount of car storage immediately to the north of Building 350 in order to provide access to, and properly support the functions of, that Building as the Body Shop for the whole operation. The Secretary of State accepts that this slight further modification is justified for operational purposes and, while having regard to the views expressed by the Councils and EH that the limited change in area would not mitigate the harm to the appearance of the Conservation Area, he considers that it goes as far as is practical to mitigate the harm to the semi-public views of the Conservation Area while retaining the operational viability of a well-established economic activity. The Secretary of State therefore proposes to impose a condition to that effect (see paragraph 40 below); and he agrees with the Inspector (IR 19.223) that that limitation combined with the weight which he agrees should be given to the economic and employment considerations associated with the car processing use provide the exceptional reasons needed

to outweigh the harm arising to the character and appearance of the Conservation Area.

Other activities on the Flying Field

31. With regard to other activities on the Flying Field, the Secretary of State agrees with the Inspector that, for the reasons given at IR19.103-19.104, it is unlikely that the number of vehicles using the Flying Field as a result of the lead appeal proposals would be harmful to the character or appearance of the Conservation Area as a whole. Similarly, for the reasons given at IR19.105-19.110, he agrees that, with the safeguards to which the Inspector refers, the existing uses which she considers could remain without any unduly harmful impact.

Biodiversity

32. For the reasons given at IR19.111, the Secretary of State agrees with the Inspector that the lead appeal proposals would enhance biodiversity. He also agrees with her that, for the reasons given at IR19.113 and 19.114, the landscaping proposals would achieve an acceptable balance between preserving the Cold War landscape and giving it a softer face.

Other heritage and environmental issues

33. With regard to the other heritage and environmental issues considered by the Inspector at IR 19.116-19.132, the Secretary of State has noted the improvements proposed by the lead appeal scheme and agrees with the Inspector's conclusion at IR19.131 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 also agrees with the Inspector's conclusion at IR19.132 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 the resultant breach of the aim of SP policy H2b to limit the number of jobs to those supporting the needs of occupiers of the new settlement. He therefore agrees (IR19.134) that, except in respect of the car processing use, the lead appeal proposal as it stood at the Inquiry reaches an acceptable balance of environmental improvements and securing the heritage interests of the site.

Weight to be accorded to the SPD

34. For the reasons given by the Inspector at IR19.135-19.142, the Secretary of State agrees with her about the weight to be accorded to the SPD. In particular, he agrees (IR19.141-19.142) that there is no direct support in either the SP or PPG15 for the approach adopted in the SPD towards the removal of buildings on the Flying Field and that greater weight should therefore be given to PPG15 than to the SPD where they appear to be at odds.

Other Development Plan policies

35. For the reasons given at IR19.143-19.145, the Secretary of State agrees with the Inspector that Cherwell Local Plan policy EMP4 should be given very little weight. Furthermore, with regard to the other policies referred to by the Inspector at IR19.146-19.155, SP policies EN4, EN6, G1 and T4 have now been replaced by

the SEP and so no longer carry any weight. As the Inspector points out at IR19.146, Local Plan policies C18, C21, C22 and C25 (along with former SP policies EN4 and EN6) echo national guidance in PPGs 15 and 16; and the Secretary of State is also satisfied that improvements to accessibility through the sustainable transport elements in the Undertaking will go some way towards achieving the objectives of Local Plan policy TR4 (IR19.152).

Design Principles and PPS1

36. Like the Inspector, the Secretary of State has had regard to the Design and Access Statement (DAS) dated 12 March 2009 (IR19.157); and he is satisfied that, as this reflects the revisions discussed at the Inquiry, it should be substituted for earlier versions. The Secretary of State agrees with the Inspector (IR19.158) that the DAS has an important role in assessing whether the development would create the “satisfactory living environment” sought by SP policy H2 and the SPD, as well as indicating whether the standard of design expected in PPS1 is likely to be achieved. The Secretary of State also agrees with the Inspector’s conclusion at IR19.181 that, for the reasons given at IR19.159-19.180, the proposal can achieve the aims set out in paragraphs 33 to 35 of PPS1 during the period while CDC is developing its up-to-date design policies to ensure their consistency with paragraphs 36 to 39 of that PPS; and that controls over subsequent ancillary operational development on the Flying Field can be addressed through conditions and the Management Plan contained in the Unilateral Undertaking.

Housing and sustainability of location

37. For the reasons given at IR19.182-19.186, the Secretary of State agrees with the Inspector’s conclusion at IR19.187 that the development is capable of delivering the aims of PPS3. He sees no reason to disagree with her conclusion (IR19.182) that the housing to be delivered will be well designed and built to a high standard and, following the correspondence referred to in paragraphs 9 and 10 above, he is now satisfied that appropriate provisions are in place in the supplemental Undertaking (see paragraph 43 below) to secure an appropriate mix of housing. The Secretary of State also agrees with the Inspector (IR19.184) that the provision of “about 1075” dwellings is consistent with SP policy H2.

38. For the reasons given at IR19.188-19.192, the Secretary of State agrees with the Inspector that the measures proposed go as far as is practical to meet the PPG13 objective of promoting sustainable transport choices given that the SP recognises that a small settlement in this relatively isolated area is justified to address the legacy of the airbase.

39. The Secretary of State agrees with the Inspector that the new shops would provide a service to the proposed new households and those working nearby (IR19.194-19.196); and that the quantum of office space proposed can be justified as it accords with SP policy H2 and, by diversifying the range of jobs available on the lead appeal site, would reduce the risk of the new settlement becoming dormitory housing (IR19.197). He also agrees that the proposed hotel/conference centre can be justified as making good use of a building that contributes positively to the Conservation Area (IR19.198-19.200).

Planning Conditions and Planning Obligation

Conditions

40. The Secretary of State has considered the proposed conditions relating to the lead appeal and the Inspector's comments and modifications as set out at IR19.239-19.312 and Annex A to the IR. He considers that the conditions which he proposes to impose, as amended by the Inspector and set out with minor proof-reading alterations and textual clarifications at Annex B to this letter, are reasonable and necessary and meet the tests of Circular 11/95. This includes the additional condition which the Secretary of State considers it appropriate to insert (Condition no. 44 at Annex B to this letter) to secure the mitigation, so far as is practical, of the harm to the semi-public views of the Flying Field caused by the open storage associated with the car processing activity (see paragraph 30 above). This replaces condition no. 71 as recommended by the Inspector in Annex A to the IR.

Obligation

41. The Secretary of State has considered the Section 106 Unilateral Undertaking dated 23 January 2009 and the Inspector's consideration of it at IR19.313-19.389, including her analysis of the concerns expressed by the Councils, as well as national policy as set out in Circular 05/2005.

42. The Secretary of State agrees with the Inspector (IR19.372) that concerns about the enforceability of the Management Plan for the Flying Field are most appropriately dealt with by means of conditions, and he is satisfied that conditions nos. 25-39 at Annex B to this letter should secure that.

43. Furthermore, as explained in paragraphs 9 and 10 above, the Secretary of State pursued with the parties the Inspector's concerns about the ability of your clients to honour their commitment in the Unilateral Undertaking as it then stood to fund a primary school and secondary education places and, at the same time, raised his own concerns about the enforceability of the provisions in the Undertaking with regard to the arrangements for affordable housing and for the future management of facilities. In response, your clients submitted a supplemental Undertaking dated 13 November 2009; and the Secretary of State considers that the arrangements set out in the Undertaking dated 23 January 2009 taken together with those in the supplemental Undertaking dated 13 November 2009 would meet the tests contained in Circular 05/2005 and accord with the policy in that Circular. Accordingly, he considers that he has been provided with the additional information requested in his letter of 8 September 2009 and he is satisfied that the original planning obligation, as supplemented, meets the concerns expressed in his letter and its provisions are now acceptable.

Conservation Area consents

44. For the reasons given at IR19.390-19.422, the Secretary of State agrees with the Inspector that, in allowing the lead appeal and granting planning permission for the development specified in the schedule attached to condition no. 5 at Annex B to this letter, the Conservation Area consent appeals should be allowed subject to the conditions at Annex C to this letter.

Overall Conclusions

45. The Secretary of State concludes that, when assessed against SP policy H2, the lead appeal proposals would substantially accord with the development plan. He acknowledges and has given due weight to the extent to which the proposals fail to comply with the SPD. He has carefully considered the requirement in PPS15 for the objective of the preservation or enhancement of the character or appearance of a Conservation Area to be given high priority, with a presumption against granting planning permission which would conflict with that objective unless there are exceptional overriding circumstances. Overall, however, he concludes that the proposals in the lead appeal strike a sustainable and reasonable balance between securing the long-term future of the appeal site and retaining its built and natural heritage. He is satisfied that the proposal will achieve a high quality of design in the New Settlement Area and provide a level of employment that is appropriate and proportionate within the context of the site's location and its limited access to services. He considers that the balance lies in favour of the lead appeal proposals and that there are no material considerations of sufficient weight to justify refusing planning permission. He also concludes that allowing the lead appeal proposals justifies allowing the appeals against the refusal of the 24 Conservation Area Consents.

Formal Decision

46. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendations. He hereby:

- allows your Clients' appeal under section 78 of the Town and Country Planning Act 1990 against the failure of Cherwell District Council to give notice within the prescribed period of a decision on an application for outline planning permission for a new settlement of 1075 dwellings, together with associated works and facilities, including employment uses, community uses, a school, playing fields and other physical and social infrastructure (application ref: 08/00716/OUT dated 3 March 2008), subject to the conditions set out at Annex B; and
- allows the appeals under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against refusal of Conservation Area Consent for the demolition of buildings (applications Refs 07/: 02287, 02299, 02342, 02346, 02352 - 54, 02358-60, 02303, 02307, 02332, 02337, 02347 - 51, 02355, 02357, 02294, 02295 and 02296 (all suffixed CAC) and dated 6 November 2007) subject to the conditions set out at Annex C.

47. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

48. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

49. This letter serves as the Secretary of State's statement under Regulation 21(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

Right to challenge the decision

50. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

51. A copy of this letter has been sent to Cherwell District Council, Oxfordshire County Council and all parties who appeared at the inquiry.

Yours faithfully

Jean Nowak

Authorised by Secretary of State to sign in that behalf

SCHEDULE OF POST- INQUIRY CORRESPONDENCE RECEIVED:

English Heritage, South East Region, dated 28 September 2009;

The Environment Agency, sent on 5 October 2009;

Cherwell DC, setting out a combined response from Cherwell DC and Oxfordshire CC, dated 6 October 2009;

North Oxfordshire Consortium Ltd, dated 6 October 2009, and with 2 plans attached;

Cherwell DC and North Oxfordshire Consortium Ltd, in a joint response dated 6 October 2009;

Pegasus Planning Group dated 16 October 2009 (informing the Secretary of State that a further application had been submitted for the extension of one of the temporary consents);

Cherwell DC, dated 27 October 2009;

Pegasus Planning Group dated 30 October 2009;

The Oxford Trust for Contemporary History received on:

21 September 2009;

22 September 2009;

23 September 2009;

26 September 2009;

10 October 2009;

11 October 2009;

26 October 2009;

The supplemental Undertaking, dated 13 November 2009.

Conditions to be imposed in respect of application ref: 08/00716/OUT

1. Approval of the details of the layout, scale, appearance, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development relating to the New Settlement Area identified on Plan Ref: N.0111_58-1 is commenced.
2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale, appearance, the means of access to the site and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.
3. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of six years from the date of this permission.
4. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved or, in the case of approval on different dates, the final approval of the last of the reserved matters to be approved.
5. The permission hereby granted relates to the development as specified in the schedule attached to these conditions.
6. **Masterplan Proposals:** The details required in accordance with Condition 2 shall be in general accordance with the provisions of Parameter Plans 1135_060C, 061C, 062D, 063C and 064, Landscape Masterplan L14 and Landscape Plan L10B, the Built Form Masterplan of Settlement Area (Drawing Ref 1135/045N), and with the Environmental Statement as updated in June 2008 and supplemented in September 2008; 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.
7. **Phasing:** 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) within the New Settlement Area as shown on Plan Ref: N.0111_58-1 on site 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 open space parameter plan 1135_063C 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 approved details.
8. **Design Codes – New Settlement Area:** 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 7 above and as shown on Plan Ref: N.0111_58-1 has been submitted to and approved in writing by the Local Planning Authority.

The Design Code shall comprise:

- **Land use**, density, layout of streets and public spaces and character areas (as indicated on Figure 4.10 of the Design and Access Statement of 12 March 2009);
- **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;
- **Surface water control**, including design standards and methodology for sustainable drainage systems, details of specific features, including appropriate options for Sustainable Urban Drainage, together with adoption arrangements and extent;
- **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;
- **Built form**, including scale, materials, roof treatment, elevational treatment, treatment of landmark and marker buildings, key frontages and gateways;
- **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;
- **Car and cycle parking**, including standards of provision by land use and dwelling type; and
- **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.

9. **Maximum Numbers of residential units:** No more than 1075 dwellings in total shall be accommodated on the site, including any existing dwellings which are to be retained.
10. **Archaeology:** The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority, and shall allow that person to observe the excavations and record items of interest and finds.
11. **Contamination in the New Settlement Area:** No operational development shall be undertaken and no building shall be occupied (other than those in use at the date of this application) in relation to a phase or sub-phase within the New Settlement Area as shown on Plan Ref: N.0111_58-1 until such time as a scheme to deal with the risks associated with contamination of the site

(excluding the scheme in relation to the POL system), including a programme of proposed delivery, has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- A site investigation scheme, based on the preliminary risk assessment included in the Environmental Statement associated with the outline planning permission (and as supplemented in September 2008) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- The site investigation results and the detailed risk assessment 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.
- A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) 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.

12. **Verification of remediation measures in the New Settlement Area:** A verification report shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the completion of the works at each phase as set out in the contamination in 11 above unless otherwise agreed in writing. Such report shall confirm the remediation measures that have been undertaken in accordance with the method statement and also identify measures for future maintenance, further monitoring and reporting which shall be implemented in accordance with a timetable to be included with the report.
13. **Hours of operation of new uses:** 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.
14. **Noise:** 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.
15. Before the change of use of any building within the New Settlement Area or the Flying Field 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.

16. **Odour:** For each phase of the development within the New Settlement Area as shown on Plan Ref: N.0111_58-1, no new occupation of any Class C1 (Hotel) A4 (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. In the case of uses that would be implemented within the New Settlement Area on the grant of permission such a scheme shall be submitted to the Local Planning Authority within 6 months and approval be obtained within 12 months.
17. **Landscaping:** No development within any phase of the development within the New Settlement Area as shown on Plan Ref: N.0111_58-1 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:-
- details of the proposed tree and shrub planting including species, number, sizes and positions, together with grass seeded/turfed areas;
 - 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;
 - details of the soft landscaping, hard surfaced areas, pavements, pedestrian areas, crossing points and steps;
 - details of laying out of Public Open Space;
 - details of boundary treatments to each phase where appropriate (including retained security fencing).
18. All planting, seeding or turfing comprised in the approved details of landscaping for each phase within the New Settlement Area as shown on Plan Ref: N.0111_58-1 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.
19. **Tree/Hedgerow Protection:** Before any works are undertaken in connection with each phase or sub phase of the development within the New Settlement Area as shown on Plan Ref: N.0111_58-1, the existing landscape features identified for retention under Condition 17 on the land shall be preserved, fenced around and properly maintained in accordance with a scheme of protection measures which shall have first been submitted to and approved in writing by the Local Planning Authority. Implementation shall be in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

20. **Levels:** Save for existing uses already in occupation at the time planning permission is granted, before any works are undertaken in respect of each phase of the development within the New Settlement Area as shown on Plan Ref: N.0111_58-1, 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.
21. **Drainage:** Save for existing uses already in occupation at the time planning permission is granted, no development on any phase shall be undertaken until a scheme for disposal of surface water, including phased works and maintenance thereof, attenuation and storage and on-site balancing arrangements including SUDS arrangements, reflecting current best practice for sustainable urban drainage, have been submitted to and approved in writing by the Local Planning Authority. No development shall take place other than in accordance with the approved scheme.
22. **Foul Drainage:** Save for existing uses already in occupation at the time planning permission is granted, no development shall be undertaken on site, including phased works, until a drainage strategy for dealing with foul drainage from the site has been first submitted to and approved in writing by the Local Planning Authority. The foul drainage works shall thereafter be carried out in accordance with the approved scheme prior to the occupation of any new buildings on the site.
23. **Place of Worship:** 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 1995.
24. **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.

Conditions applying to the Flying Field only

25. **Strategies for parking, lighting, signage, waste and fencing:** Strategies for these matters shall be submitted to the Local Planning Authority for approval in writing and thereafter to be implemented across the Flying Field as follows:
- (i) the submission for approval of a Parking Strategy for the whole Flying Field within 6 months of the date of this permission. The strategy as approved shall be implemented:- a) in respect of any building which was not occupied on the date of this permission before any part of that building is occupied and b) in respect of all existing occupied buildings within 9 months of the date of this permission.
- (ii) the submission for approval of an overall Lighting Strategy within 3 months of the date of this permission. The strategy as approved shall be implemented:- a)

in respect of any building which was not occupied on the date of this planning permission before any part of that building is occupied and b) in respect of all existing occupied buildings within 9 months of the date of the approval of the Lighting Strategy.

(iii) the submission for approval of an overall Signage Strategy within 3 months of the date of this permission. The strategy as approved shall be implemented:- a) in respect of any building which was not occupied on the date of this planning permission before any part of that building is occupied and b) in respect of all existing occupied buildings within 9 months of the date of the approval of the Signage Strategy.

(iv) the submission for approval of an overall Waste Management Strategy within 3 months of the date of this permission. The strategy as approved shall be implemented:- a) in respect of any building which was not occupied on the date of this planning permission before any part of that building is occupied and b) in respect of all existing occupied buildings within 9 months of the date of the approval of the Waste Management Strategy.

(v) the submission for approval of an overall Fencing Strategy within 6 months of the date of this permission. The Strategy shall thereafter be implemented within 18 months for fencing on the periphery of the Flying Field and thereafter prior to occupation of individual buildings on the Flying Field.

In respect of any of the above Strategies, if such approval is withheld or an approved scheme is not implemented within the relevant above timescale, the use of any building otherwise permitted by this permission shall cease within 12 months of the date of refusal or the end of the time period for implementation.

26. **Landscaping:** Save for those buildings in occupation at the date of permission, no building shall be occupied within the Flying Field, as shown on Plan Ref: N.0111_58-1, until there has first been submitted to and approved in writing by the Local planning Authority a scheme of landscaping, (based on Plan Ref: L10B) together with a programme for its implementation. This shall include:-

- a. details and programming of the proposed tree and shrub planting including species, number, sizes and positions, together with grass seeded/turfed areas;
- b. details and programming 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 management of the Flying Field landscaping;

The scheme shall be implemented in accordance with the approved programme.

27. Before any demolition work or engineering work is undertaken on site, a scheme to ensure the protection of trees intended for retention that are within 20m of those activities shall be submitted to and approved by the Local Planning

Authority. Such measures shall be implemented before the demolition or engineering works commence and retained until their completion.

28. **Grassland areas:** No use of or operation on the grassland areas identified on Map 2 (Habitat Survey in the Ecological Mitigation and Management Plan) shall take place other than those defined within the Landscape Management Plan and the Ecological Mitigation and Management Plan.

29. **Runways and Taxiways:** No use of or operation on the runways/taxiways shall take place unless for the purpose of access, including emergency access and heritage tours, or a specified use within the permission, hereby or otherwise approved.

30. **Aves Ditch and Portway:** 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.

31. **Information Boards:** Within 6 months of the permission hereby approved details of the 8 interpretation boards and 2 vantage points and a programme for their implementation shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include:

- (i) size and location of the interpretation boards
- (ii) details of information to be included on each board and
- (iii) location of the 2 vantage points;

These shall be implemented in accordance with the approved details and programme and be thereafter retained for that purpose and made available for use by the general public.

32. **Thames Valley Police Authority:** Building 249 shall only be used for police training, or a use falling within use class B2 or B8. It shall not be used by any other use falling within use class D1 without the express consent of the Local Planning Authority in writing.

33. **Contamination – the Flying Field:** Within 3 months of the grant of outline planning permission, a scheme of investigation to identify and remove contamination that represents a risk to the water environment on the Flying Field as shown on Plan Ref: N.0111_58-1 shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

- 1) A schedule of time frames for the proposed site investigations
- 2) The areas to be covered including:

- The Fire Practice Area – building reference nos. 330 to 337.

- Northern bomb store – building reference nos. 1001 to 1060.
- Above ground and underground fuel tanks not associated with the POL System where leakage is evident and testing has not already taken place.
- Landfills and waste disposal pits, including the presence of radium 226, where not already tested.

Samples for the assessment of groundwater quality shall be taken directly down hydraulic gradient.

3) The site investigation results and the detailed risk assessment 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.

4) 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 shall require the consent of the local planning authority. The scheme shall be implemented as approved.

34. Contamination – the Petrol Oil and Lubrication (POL) System: Within 6 months of the grant of outline planning permission a site investigation and remediation scheme for the POL system shall be submitted for approval in writing by the local planning authority. It shall include:

- 1) A schedule of time frames for the proposed site investigations.
- 2) Assessment of levels of residual fuel contamination within all tanks and pipe work of the POL System (aviation fuel ring main structures and isolated vehicle fuelling stations and waste oil storage facilities).
- 3) Assessment of groundwater quality (in addition to the current site-wide monitoring scheme) by monitoring boreholes placed down hydraulic gradient of all POL structures where recorded and suspected fuel leaks have occurred.
- 4) Assessment of groundwater quality (additional to current site wide monitoring scheme) by monitoring boreholes placed down hydraulic gradient of the fuel entry compound.
- 5) Assessment of contamination within soils and groundwater:-
 - soil samples at the sides of tanks and groundwater quality samples shall be taken directly down hydraulic gradient of all fuel tanks at POL structures 3, 6, 7, 8, 9, 10, 11, 13, 14, 16, 21A; 21B, 21C, 22, 23A, 23B; 24, 25A and 25B.
 - along the length of POL aviation fuel distribution mains around the former airfield (13 km) including equivalent pipe work left in situ following replacement of the ring main in 1987-9;
 - along the length of the POL supply pipeline to investigate integrity failure;

- soil samples at the sides of tanks and groundwater quality samples shall be taken directly down hydraulic gradient of all fuel tanks and associated pipe work at POL 5;
- soil samples at the sides of tanks and groundwater quality samples shall be taken directly down hydraulic gradient of all fuel tanks and associated pipe work at POL 2, 4 and 12 if it is confirmed that they were linked to the aviation fuel pipe line;
- soil samples at the sides of tanks and groundwater quality samples shall be taken directly down hydraulic gradient of all fuel tanks and associated pipe work at POL 17 – tanks 1, 2, 3, 4, 5 and 6 used for hazardous waste/waste oil and decommissioned later than 1996;
- soil samples at the sides of tanks and groundwater quality samples shall be taken directly down hydraulic gradient of all fuel tanks and associated pipe work at POL 19;
- soil samples at the sides of tanks and groundwater quality samples should be taken directly down hydraulic gradient of tanks and associated pipe work at POL 20;
- soil samples at the sides of tanks and groundwater quality samples directly down hydraulic gradient of all pipe work or structures in the fuel entry compound.

The approved scheme shall be implemented in accordance with such time frames and other approved details.

35. The POL system – Remediation: Within 3 months of the completion of the approved site investigations (to include laboratory analysis, data assessment and reporting), a method statement giving full details of the remediation measures required and how they are to be undertaken, based upon the results of the site investigation and risk assessment (Condition 34), shall be submitted to and approved in writing by the Local Planning Authority. Such method statement shall include a schedule of delivery of such remediation which shall be completed prior to occupation of 75% of the residential dwellings permitted within the New Settlement Area by this planning permission. The remediation measures shall involve removal of pollutant sources or breaking of pollution pathways and shall include but not be limited to:-

- either tank removal (and replacement where in current use) in the case of gross contamination or removal of water and internal cleaning of tanks and pipe work including those on the POL system including all historic redundant ring mains;
- removal (and replacement where in current use) of pipe work in cases of gross contamination or disconnection of all pipe work from tanks (closure of existing valves may be permitted);
- where not in current use underground pipe work left in situ shall either be broken into appropriate lengths or in-filled after cleaning in order to remove potential pollutant pathways.

The method statement shall be implemented as approved.

36. **Verification - Flying Field and POL system:** Following completion of those remediation works identified in Conditions 34 and 35, a separate verification report for the works carried out in respect of each condition shall be submitted within 3 months of the completion of the works for the approval in writing of the Local Planning Authority. The report shall confirm the remediation measures that have been undertaken in accordance with the method statement and also identify measures for future maintenance, further monitoring and reporting which shall be implemented in accordance with such approved details.
37. **Unidentified Contamination:** 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.
38. **Ecology:** Within 9 months of the date of this permission a programme for implementation of the ecological objectives set out in the Ecological Mitigation and Management Plan shall be submitted to the Local Planning Authority for approval. Failing such approval such implementation shall be completed by 5 years from the date of this permission.
39. **Cat Proof Fence:** No operational development shall be undertaken on site, or within such other period to be agreed in writing with the Local Planning Authority, until such time as a scheme for the provision and maintenance of cat proof and dog proof fencing, including details of the specification, height, position and extent of fencing along the boundary of the new settlement and the Flying Field has been submitted to and approved in writing by the Local Planning Authority. The fencing shall be erected in accordance with the approved details prior to the first occupancy of the new housing and the first public use of the reinstated public right of way.

Restriction of Permitted Development:

40. 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.
41. With the exception of vehicles parked in defined areas pursuant to Condition 25 in respect of Parking Schemes and identified car processing areas as shown on Drawing N.011 22-1L (as amended by plan N.0111_22-MB), no goods, materials, plant or machinery shall be stored, repaired, operated or displayed in the open in connection with any commercial premises, other than those agreed in respect of the transitional arrangements or approved as part of the waste management strategy, without the prior express planning consent of the Local Planning Authority.

42. That the buildings identified within the schedule of change of use Plan No. N.0111_22-1L 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.

Car Processing

43. Operation: The area of the application site comprising open hardstanding identified for car processing (defined so as to comprise the inspection, valeting, washing, repairing, tyre replacement, processing and delivery of cars and other car processing activities as may be required from time to time) shall only be used for activity which is related to car processing, and specifically shall not be used for the parking of any other vehicle associated with any other use or activity present on the application site.
44. Notwithstanding the details shown on the Change of Use Plan (Reference No: Plan N.0111_22-1L), forming part of this planning permission, no vehicles shall be parked, stored or staged as part of the vehicle preparation and car processing use to the west of the “dog-leg” line drawn from the south-east corner of Building 337 to the north-west corner of Building 350 as plotted on the plan attached to these conditions (Reference No: N.0111_22-MB).
45. Car rental: No car rental or related activities for use by members of the public shall be permitted from the identified car processing area as shown on Drawing N.0111_22-1L (as amended by plan N.0111_22-MB).
46. Ground water protection: Within 3 months of the date of this permission, details of measures to prevent the pollution of groundwater associated with the operation of car processing on the hardstanding and a programme for their implementation shall be submitted to and approved in writing by the Local Planning Authority. Such measures shall be implemented in accordance with the approved details.
47. HGV parking and unloading: Car transporters associated with the car processing use shall only be operated or parked at the western end of the car processing site within the area identified on drawing no N.0111_84-1.
48. Height restriction: Any vehicle within the car processing area over 1.45 metres in height shall be parked on the former tanker parking area identified on drawing no. N.0111_85-1 and in no other location within the car processing area when not required for specific processing activities.
49. A scheme and programme for the provision of security for the car processing area including below ground pressure sensors and infra red cameras and the removal of the existing concrete rings shall be submitted for approval to the Local Planning Authority within 3 months of the grant of planning permission and approved in writing. Thereafter the approved scheme shall be implemented in accordance with the approved timescale and details and in any event no later than when the former tanker parking area comes first into use for car processing.

Construction Conditions

50. **Demolition:** Prior to any demolition within the New Settlement Area or the Flying Field as shown on Plan Ref: N.0111_58-1, 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.

51. **Wheel Washing:** 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.

52. **Site Servicing:** No works in relation to any phase or sub phase of the development shall be undertaken on site until details of the location of all site compound and the associated areas for plant storage and access thereto, as well as a scheme for their subsequent removal and restoration of the land, have been 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.

53. **Importation of Waste:** No imported waste material whatsoever shall be imported and deposited onto the site.

54. **Pollution Protection Measures:** All chemicals, oils, fuels and other potential contaminants that are stored in tanks or structures shall be stored in bunded tanks or structures with a minimum capacity of 110% of the maximum volume stored. The location of any tanks or structures shall be submitted to and approved in writing by the Local Planning Authority prior to their establishment.

55. **Commercial Noise Assessment:** Within 6 months of the permission hereby approved detailed noise assessment shall be undertaken of the existing commercial premises within the site as shown on Plan Ref: N.0111_58-1 along with an appraisal of the likely receptors within the proposed development, having regard to the details within the Settlement Masterplan Drawing Ref 1135/045N. The scope of that assessment shall first have been submitted to and approved by the Local Planning Authority in writing. The details of such steps as are

necessary to mitigate any undue potential impact upon the identified receptors (including a timetable for their implementation) shall then be submitted to and approved in writing by the Local Planning Authority and shall then be implemented within the approved timetable before occupation of any identified receptor takes place.

56. **Landscaping outside of New Settlement Area:** Before the occupation of the 500th dwelling within the New Settlement Area, on Plan Ref: N.0111_58-1, a scheme of landscaping for the area identified and shown green on Plan Ref: N.0111_58-1 as outside both the Flying Field and the New Settlement Area shall be submitted to and approved in writing by the Local Planning Authority. This shall include:-
- a. details of the proposed tree and shrub planting including 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 provision of sports pitches;
 - d. Details of fencing and boundary enclosures.
57. All planting, seeding or turfing comprised in the approved details of landscaping for the Flying Field and for the area outside the FF and NSA both as shown on Plan Ref: N.0111_58-1 shall be carried out in the first planting and seeding seasons following the approval of such details. 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.

Highways conditions

58. 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.
59. Before the Local Centre facilities, as indicated on Drawing 1135-045N, other than those currently in use at the time of the permission, are occupied, the footpaths, roads and parking areas serving them shall be constructed, surfaced to base course level, drained and temporary or permanent traffic calming completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that phase of the development.
60. Turning area: Save for existing uses already in occupation at the time of planning permission being granted, before any new building is first occupied

within the New Settlement Area as shown on Plan Ref: N.0111_58-1, any temporary or permanent turning areas shall be provided within the curtilage of the site so that buses 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.

61. Parking and manoeuvring areas: Save for existing uses on the site, before the development is first occupied within the New Settlement Area as shown on Plan Ref: N.0111_58-1, the 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.
62. Parking for existing uses in the New Settlement Area: Details of parking provision within the NSA (as shown on Plan Ref: N.0111_58-1) for the existing 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.
63. Construction Period Parking: 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.
64. Surface Water Drainage to the Highway: 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.
65. Save for existing uses already in occupation at the time of planning permission being granted, the development hereby permitted shall not commence until such time as a detailed Travel Plan covering 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.
66. Camp Road and Middleton Stoney highway works: Occupation of the 300th new dwelling or occupation of more than 25% increased floor area of commercial use above that existing at the grant of this permission (whichever is the earlier), shall not take place until such time as the 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.
67. Junction 10 of the M40: 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 shown on "Figure 36 Junction 10 proposed carriageway marking alterations" (Arup Job no. 120669-00) have been implemented in accordance with that drawing.

68. The developer shall use a minimum of 30% recycled material for the construction of on-site highways.

Other conditions

69. Before construction work on any phase within the New Settlement Area as shown on Plan Ref: N.0111_58-1 is begun, details of fire hydrant provision shall have first been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed in accordance with such approved details before any new dwelling is first occupied.
70. Where any condition requires approval and subsequent implementation of any details or scheme then, in the case of any building where its continued use would be authorised by this permission, that use shall cease within 3 months of failure to submit details of the relevant matters (including a programme for their implementation) to the Local Planning Authority for approval in writing within 9 months of the date of this permission. If such approval is withheld or an approved scheme is not implemented within the approved timescale, that use shall cease within 12 months of the date of refusal or non-implementation.
71. Notwithstanding the area shown buff on plan N.001_22-1L for car processing, that part of the use requiring vehicles to be parked in close rows, ranks or echelons, shall be confined to the area to the east of a straight line drawn to join the south east corner of building 337 and the north east corner of building 350.

Schedule of development permitted (as referred to in Condition 5):

The proposed **New Settlement Area** includes the following uses and development:-

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);
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.
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.
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.
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.
6. Provision of 1 no. Primary School on 2.2 hectares.
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.
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.
9. Change of Use of Building 158 (50 sq.m) to Class B8 use.
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.
14. Removal of buildings and structures within New Settlement Area as detailed in separate schedule (Demolitions Schedule Table RD 4bd).
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.

The proposed **Flying Field** area will include the following uses and development:

1. Change of Use for vehicle preparation and car processing comprising 17 hectares.
2. Change of Use of Buildings 205 (111 sq.m), 234 (1195 sq.m), 1109 (200 sq.m), 3205 (142 sq.m), 3208 (142 sq.m), 3209 (142 sq.m), 3210 (142 sq.m) to Class B1 (Business) use.
3. Change of Use of Building 350A (10 sq.m) to mixed Class B1 (Business)/B8 (Storage) use.
4. Change of Use of Buildings 259 (372 sq.m), 260 (372 sq.m), 336 (800 sq.m), 337 (1388 sq.m), 354 (336 sq.m) and 1011 (239 sq.m) to Class B2 use.
5. Change of Use of Buildings 209 (1624 sq.m), 324 (397 sq.m), 3140 (408 sq.m) to mixed Class B1/Class B2 use.
6. Change of Use of Buildings 221 (2391 sq.m), 325 (692 sq.m), 327 (702 sq.m), 328 (725 sq.m), 335 (769 sq.m), 366 (1656 sq.m) to mixed Class B2/Class B8 use.
7. Change of Use of Building 249 (3259 sq.m) to Class D1/Class B2/Class B8 use.
8. Change of Use of Buildings 210 (177 sq.m), 211 (378 sq.m), 212 (271 sq.m), 226 (169 sq.m), 237 (373 sq.m), 238 (119 sq.m), 239 (178 sq.m), 279 (169 sq.m), 292 (2070 sq.m), 1001-1005 (193 sq.m each), 1006 (524 sq.m), 1007 (524 sq.m), 1008 (318 sq.m), 1009 (24 sq.m), 1023 (372 sq.m), 1026-1038 (97 sq.m each), 1041-1048 (75 sq.m each), 1050 (144 sq.m), 1100 (34 sq.m), 1102 (138 sq.m), 1103 (177 sq.m), 1104 (89 sq.m), 1105-1106 (138 sq.m each), 1108 (348 sq.m), 1111 (367 sq.m), 1112 (60 sq.m), 1113 (177 sq.m), 1114 (37 sq.m), 1115 (149 sq.m), 1159 (156 sq.m), 1160-1167 (201 sq.m each), 1168-1185 (156 sq.m each), 1372 (600 sq.m), 1601- 1625 (139 sq.m each), 2001-2009 (595 sq.m each), 3001-3035 (930 sq.m each), 3043-3051 (930 sq.m each), 3056 (930 sq.m), 3200-3202 (169 sq.m each), 3203 (60sq.m) to Class B8 use.
9. Change of use of Building 299 (2676 sq.m) to a *sui generis* use as computer data storage.
10. Demolition of Building 3135 in the north-western corner of Airfield (also subject to Conservation Area Consent application).
11. Removal of identified parts of the boundary fence and partial replacement with 1.5 metre fencing in locations as identified on the Landscape Master Plan (also subject to Conservation Area Consent applications).
12. Provision of all infrastructure to serve the above development, including the provision of the defined access arrangements and car parking to Cherwell District Council standards.
13. Landscaping alterations including the removal of some trees within the Conservation Area (see separate schedule).
14. Reopening of Portway and Aves Ditch as public rights of way across the Airfield.

Conditions to be imposed in respect of Conservation Area consents:

(applications Refs: 07/: 02287, 02299, 02342, 02346, 02352 - 54, 02358-60, 02303, 02307, 02332, 02337, 02347 - 51, 02355, 02357, 02294, 02295 and 02296 (all suffixed CAC))

1. The works to which this consent relates shall be begun not later than the expiration of six years beginning with the date of this consent.
2. With the exception of those buildings located within the identified primary school site indicated on Parameter Plan 1135_061 C as amended by Plan N.0111_77-2a (or such other site as has been identified and agreed between the appellant and Local Planning Authority in writing), the works to which this consent relates shall not be carried out until a scheme for the phased demolition has been approved by the Local Planning Authority in writing and a contract has been let for the redevelopment of that phase in accordance with details to be approved by the Local Planning Authority in writing.
3. The demolition of buildings within the primary school site shall not be carried out prior to the issue of a determination further to the Education and Inspections Act 2006 (and related regulations) approving a proposal for the provision of a primary school on the site.
4. No works shall commence on the demolition of buildings until the applicant, or their agent or successor in title has arranged for a scheme of recording of the buildings to be submitted to and approved in writing by the Local Planning Authority.

The submitted scheme shall include, but not be limited to:

- (a) The identification and qualifications of the person/body that will undertake the recording
- (b) Methodology
- (c) Timetable
- (d) The form of the completed document

The buildings shall be recorded and the record shall be completed in accordance with the approved scheme.

A copy of the record shall be submitted to the Local Planning Authority, the National Monuments Record and the County Record Office within 1 month of the completion of the record.

5. Debris associated with the demolition of the buildings shall be removed from the site immediately, unless it is to be re-used within the construction programme, in which case details of the processing and storage of such material on site shall be submitted to and approved by the Local Planning Authority in advance of commencement of demolition.