

Case Officer: Andrew Lewis

Recommendation: Approve

Applicant: The Dorchester Group

Proposal: Discharge of condition 26 of 08/00716/OUT- Landscape Scheme

Expiry Date: 9 February 2011

Extension of Time:

1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT

- 1.1. Following a major public inquiry that commenced in September 2008 the Council finally received the appeal decision on the above proposed development in January 2010. The appeal was allowed, subject to conditions, together with 24 conservation area consents that permit demolition of buildings on the site including 244 dwellings.
- 1.2. Although the appeal was lodged on the grounds of non-determination, the Council resolved to object to the proposal on several grounds including its failure to conform to the Planning Brief for the site, that the development was unsustainable, the type of employment was inappropriate, transport measures were inadequate to cope with the development, damage to the character and appearance of the conservation area and the information submitted was inadequate or failed to justify the proposal. The reasons for refusing the conservation area consents were either the loss of buildings that contributed positively to the conservation area, that a cleared site would detract from the conservation area and/or their demolition was premature without an approved scheme for redevelopment.
- 1.3. Due to the scale of the development proposed, the appeal was referred to the Secretary of State for Communities and Local Government for determination. The decision letter from the Secretary of State (SoS) can be read in full on the Council's web site: <http://cherweb.cherwell-dc.gov.uk/AnitePublicDocs/05757874.pdf>
- 1.4. The SoS considered there to be three main issues: the policy context for the proposal, with particular reference to the Development Plan and PPG15 - Design Principles and PPS1; and Housing and Sustainability of location. There was a fourth, planning conditions and obligations.
- 1.5. On policy, the SoS thought the development was in general conformity with the Oxfordshire Structure Plan policy H2, which sought to provide a community of about 1,000 dwellings with schools and employment opportunities, though not the Council's Development Brief for the site, and that it would enable environmental improvements, conserve heritage interests and provide an appropriate level of employment. In terms of employment, the SoS recognised that businesses were well established and there were 500 people employed at the time in car processing. Economic benefits were a "*weighty material consideration*" and they did not seem to outweigh the harm to the character of the conservation area. However, the Inspector 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 their retention would outweigh the breach in the number of jobs limited on the site by policy H2.

- 1.6. On design, the SoS accepted the development would meet the aims of PPS1 and Cherwell DC could draw up policies and use conditions to reflect up to date design guidance in PPS1.
- 1.7. The provision of 1,075 houses was seen to be consistent with policy H2 and a small settlement in this relatively isolated location justified the legacy of the airbase. Shops would provide a service to the community and the employment would stop Heyford becoming a dormitory town.
- 1.8. A considerable number of conditions were drawn up which together with legal undertakings from the applicant, mitigated the impact on heritage the SoS considered necessary together with achieving many of the aims of policy H2. So, for example, a condition was imposed to restrict the area of the car processing activity.
- 1.9. The SoS concluded that development would substantially accord with the Development Plan, i.e., Structure Plan policy H2 and little weight was apparently given to the CDC's development brief for the site. A sustainable and reasonable balance was secured between retaining the built and natural heritage and providing an appropriate and proportionate level of employment in the context of the site's location and access to services. In granting planning permission, it was therefore felt justifiable to allow the 24 conservation area consents, again subject to conditions. As part of the decision, 71 conditions were imposed on the grant of planning permission and 5 on the conservation consents.
- 1.10. The grant of planning permission authorised many of the uses already being undertaken at the site and set a template for future development. It is however a long way from the end of the story as far as its overall development is concerned. The permission was in outline, so details of layout, scale, appearance, landscaping and access (the reserved matters) have had to be subsequently submitted for approval/discharge. However, because the permission also granted uses which were/are currently operating on site, there are some much tighter time-controlled conditions, the information for which had to be submitted within three months of the decision letter. These included issues of ground water protection, contamination, and access routes, together with strategies for parking, lighting, signage, waste and fencing.
- 1.11. In addition to the planning conditions, the applicant was obligated to comply with several covenants, the most significant of which for the District Council was provision of affordable housing. There were also requirements to provide land and funding for education, open space and community facilities, a heritage centre and to contribute towards improvements to public transport.

2. CONDITION PROPOSED TO BE DISCHARGED

- 2.1. Condition 26 states:

"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.”

3. RELEVANT PLANNING HISTORY

3.1. The following planning history is considered relevant to the current proposal:

- 08/00716/OUT – Outline application for 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). Initially Refused but subsequently Allowed at Appeal;
- 10/01642/OUT – Outline proposed new settlement of 1,075 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. Permitted;
- 10/01619/CAC – Demolition of existing structures (as per Conservation Area Consent Schedule and Drawing No. D.0291 38-1). Permitted;
- 18/00825/HYBRID – Demolition of buildings and structures as listed; Outline planning permission for up to 1,175 extra new dwellings; 60 close-care dwellings; 929m² of retail; 670m² comprising a new medical centre; 35,175m² of new employment buildings, (comprising up to 6,330m² Class B1a, 13,635m² B1b/c, 9,250m² Class B2, and 5,960m² B8); 2.4ha site for a new school; 925m² of community use buildings; and 515m² of indoor sports, if provided on-site; 30m in height observation tower with zip-wire with ancillary visitor facilities; energy facility/infrastructure with a stack height of up to 24m; additional education facilities (buildings and associated external infrastructure) at Buildings 73, 74 and 583 for education use; creation of areas of Open Space, Sports Facilities, Public Park and other green infrastructure; Change of Use of buildings and areas; 20.3ha of hardstanding for car processing; and 76.6ha for filming activities; the continuation of use of areas, buildings and structures already benefiting from previous planning permissions, associated infrastructure works including surface water attenuation provision and upgrading Chilgrove Drive and the junction with Camp Road – Resolution to approve subject to securing s106 agreement, which is currently still outstanding but about to be concluded.

4. APPRAISAL

4.1 The original application was EIA development. Therefore, the EIA is considered sufficient for the purpose of considering the information provided for this condition and it has been taken into account in considering this subsequent application.

4.2 In summary, The Landscape Management Plan will ensure that the landscape character of the Flying Field is retained and enhanced so that its value as a Conservation Area will increase over time. It will provide a landscape that is both sustainable and ecologically diverse and which still conserves the setting of the many Cold War structures and buildings that make the Flying Field unique.

4.3 Under the control of a single management company, appointed by the site's freeholders to implement the Landscape Management Plan, appropriately qualified

contractors and specialists will be employed to carry out and monitor the various management and maintenance operations. A series of new planting areas will be implemented that will enhance both the visual amenity and biodiversity of the Flying Field whilst retaining the site's overall landscape character as an open, grassland-dominated space distinct from its agricultural surroundings.

- 4.4 More native trees and shrubs will be introduced and the non-native conifers on site removed. The remaining trees that already exist on site will be retained and managed so as to provide a healthy and valuable landscape and ecological resource.
- 4.5 On 31st January 2020, the applicant's agent Pegasus submitted updated red-edge Landscape Plans P16-0631_105-1 and P16-0631_105-2 that superseded those originally submitted in 2010.
- 4.6 The 2010 Landscape Management Plan as supplemented by the revised 2020 Landscape Plans complement the aims and objectives already established as part of the Former RAF Upper Heyford, Upper Heyford, Oxfordshire – Ecological Mitigation and Management Strategy and its intention to improve and increase the amount of species rich grassland on site together with the fauna of the area. It is intended to be a working document that will be reviewed on a regular basis and will potentially evolve and respond to as yet unknown factors brought about through events such as climate change.
- 4.7 It is therefore recommended that the Landscape Management Plan details should be approved/discharged in accordance with the relevant conditions.

5. RECOMMENDATION

That Planning Condition 26 of 08/00716/OUT - Landscape Scheme be discharged based upon the Landscape Management Plan - December 2010 ref D.0291.14D as supplemented by revised red-edge Landscape Plans P16-0631_105-1 and P16-0631_105-2.

Case Officer: Andrew Lewis

DATE: 11th July 2022

Checked By: Andy Bateson

DATE: 11th July 2022
