

Case Officer: Andrew Lewis

Recommendation: Approve

Applicant: Dorchester Group

Proposal: Discharge of Condition 35 of 08/00717/OUT (POL Remediation)

Expiry Date: 8 May 2012

Extension of Time: 31st January 2022

1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT

- 1.1 The application site for this proposal is the former RAF/USAF Upper Heyford airbase. The base was designated a conservation area in 2006, its primary architectural and social historic interest being its role during the Cold War. The nature of the site is defined by the historic landscape character of the distinct zones within the base. The designation also acknowledges the special architectural interest, and as a conservation area, the character of which it is desirable to preserve or enhance and provides the context and framework to ensure the setting and appearance of sections of the Cold War landscape are preserved.
- 1.2 In terms of the uses on site, the military use ceased in 1994. Since 1998 the site has accommodated several uses in existing buildings, first under temporary planning permissions and latterly under a permanent permission granted on appeal and subsequent application approvals.
- 1.3 Over the last 10 years numerous applications have been made seeking permission to either develop the whole site or large parts of it and some of them went to appeal. The most significant was application ref 08/00716/OUT. Following a major public inquiry that commenced in September 2008 the Council received the appeal decision in January 2010, which allowed: "A new settlement of 1,075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure (as amended by plans and information received 26.06.08)." This permission included the flying field and the uses and development permitted upon it at the appeal have been implemented under the appeal permission.
- 1.4 The development of the settlement and technical areas was delayed as the masterplan was refined. As a result, a new masterplan was drawn up which, whilst similar to the one considered at appeal, has been modified. The main reason for a fresh application arose from the desire of the applicant to retain more buildings on site. Apart from that, the most significant changes are this new area of open space centred on the parade ground, the retention of a large number of former military dwellings including 253 bungalows, and more of the heritage buildings, the demolition of which was previously consented. The retention of these buildings at their existing low density has meant the masterplan has expanded the development area west on to the sports field.
- 1.5 The revised masterplan was submitted as part of the outline application for "Proposed new settlement for 1,075 dwellings, together with associated works and facilities, including employment uses, a school, playing fields and other physical and social infrastructure" and was granted permission on 22nd December 2011 (ref

10/01642/OUT). Since approval of that application, the development of Heyford Park has been progressed in a number of ways.

- 1.6 The application site now forms part of an allocated site for a new settlement in the Local Plan. The site is also within the Mid-Cherwell Neighbourhood Plan area and lies adjacent to the Rousham, Lower Heyford and Upper Heyford Conservation Area.

2. CONDITION PROPOSED TO BE DISCHARGED

- 2.1. The condition requested to be discharged is from the appeal decision granted by the Secretary of State in 2010. It states:

“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.”

3. RELEVANT PLANNING HISTORY

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

07/02350/CAC - Demolition of existing structures as part of lasting arrangement of Heyford Park - Allowed at appeal.

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 - Allowed at appeal

10/01642/OUT- Outline proposal for a 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 – Approved.

10/01619/CAC - Demolition of existing structures (as per Conservation Area Consent Schedule and Drawing No. D.0291 38-1) – Approved.

16/02446/F - Erection of 296 residential dwellings (Use Class C3) comprising a mix of open market and affordable housing, together with associated works including provision of new and amended vehicular and pedestrian accesses, public open space, landscaping, utilities and infrastructure, and demolition of existing built structures and site clearance works – Approved.

18/00825/HYBRID - Demolition of buildings and structures as listed; Outline planning permission for up to 1,175 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-Approved subject to securing s106 agreement.

4. RESPONSE TO CONSULTATION

4.1 The following responses have been received:

- CDC - Environmental Protection: No comments.
- Environment Agency: We have reviewed the submitted details and are satisfied that condition 35 can be discharged.

4.2. The comments received can be viewed in full on the Council's website, via the online Planning Register.

5. APPRAISAL

5.1. 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.

5.2. The Environment Agency (EA) originally objected to the application and requested further information. The application was then held in abeyance for some considerable period of time pending the applicant's submission of the requested supplementary information. However, having finally submitted that required information, the EA confirmed on 14 January 2022 that on the basis of the information subsequently provided, the application can now be discharged.

6. RECOMMENDATION

That Planning Condition 35 of 08/00717/OUT (POL Remediation) be discharged based upon the following:

- POL System – Clean and Make Safe, Upper Heyford. Oxfordshire. Contract Completion report dated February 2012. Report Number: 1246DOR Rev.B – prepared by Vertase F.L.I. Limited – submitted originally via Pegasus Group letter dated 8th March 2012 and resubmitted via agents email of 19 January 2022.
- Waterman Letter dated 3rd July 2012. Ref: EED10658-109-C-013-FA entitled 'Re: Results of sampling from borehole BH225 and BH226 Heyford Park' – originally submitted via Pegasus Group letter dated 25th April 2013 and resubmitted via agents email of 19 January 2022.

Case Officer: Andrew Lewis

DATE: 21 January 2022

Checked By: Andy Bateson

DATE: 21st January 2022
