

**Case Officer:** Maria Philpott

**Recommendation:** Approve

**Applicant:** Bicester Heritage

**Proposal:** Variation of condition 8 (permitted uses) to include B1c (light industrial use), sui generis (showroom/workshop use) and ancillary A3 use to building 129 (retrospective); and variation of conditions 16 and 17 (to revise the timeframe for the installation of the new access) of planning permission 17/02312/F.

**Expiry Date:** 12 March 2018

**Extension of Time:** 05 May 2018

## **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site comprises the former RAF Bicester Airfield which is located to the north of Bicester on the outskirts of the town centre. The site is now occupied by Bicester Heritage, a company specialising in historic motoring and aviation. The site occupied by Bicester Heritage comprises the main technical site area (where the majority of the buildings are located) and the flying field which extends to the north and east of the main technical site area. For the purposes of this application, the site area and red line just relates to the main technical area and does not include any other part of the site.
- 1.2. The whole of the site (including the flying field) is designated as a conservation area and the majority of the buildings within the main technical area are listed (Grade 2). There are also a number of Scheduled Monuments located on the edges of the flying field and within the main technical site area. Vehicular and pedestrian access to the site is gained just north of the roundabout on Buckingham Road. There are residential properties located to the west and south-west of the site.
- 1.3. This application relates to building 129 and the existing access only. Building 129 is located well into the main technical site area and therefore not visible from any outside vantage points. The existing access is located to the south-western corner of the site on Buckingham Road and comprises the main access to the site.

## **2. CONSTRAINTS**

2.1 The following constraints relate to the site:

- The site is located within the Conservation Area of RAF Bicester;
- Building 129 is Grade 2 listed;
- The majority of the other buildings on the site are either Grade 2 listed or locally listed;

- There are a number of Scheduled Monuments located within the main technical site area;
- There is a Site of Special Scientific Interest (SSSI) within 2km of the site (the quarry to the north);
- There is a District Wildlife Site to the south of the site on the opposite side of Skimmingdish Lane;
- Much of the adjoining airfield is allocated as a Local Wildlife Site;
- The site is bordered to the south by the A4421 Skimmingdish Lane and to the west by the Buckingham Road;
- There are residential properties to the south, south-west and west of the site (opposite sides of the road);
- The site is allocated in the Cherwell Local Plan for 'Tourism Development' (Policy Bicester 8) and there is a site adjacent with is allocated for 'New Employment Development' (Policy Bicester 11).

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1 The original description proposed to *“Vary conditions 9 (use class for building 129), 13 (use class for building 130) and condition 17 (revise the timeframe for the new access) of the original planning permission 16/01805/F.”*
- 3.2 However, a few weeks prior to submitting this application, the applicant had already submitted an application to vary the conditions relating to buildings 131 and 135 of 16/01805/F (reference 17/02312/F).
- 3.3 17/02312/F was approved on 9<sup>th</sup> February 2018, whilst this application was still pending consideration. The approval of 17/02312/F has effectively issued a new planning permission and replaced 16/01805/F.

#### Description Changes Required:

- 3.4 As a consequence of the approval of 17/02312/F, the description of this application became incorrect and needed to be amended, to ensure that it now related to the variation application 17/02312/F and not 16/01805/F (including the correct condition numbers).
- 3.5 In approving 17/02312/F, the change requested to condition 13 of this application was encompassed in that approval so is no longer necessary as part of this application (minor wording change). Following a site visit as well, it was noted that there is an ancillary A3 use operating from the site that has not been approved. Therefore to regularise this use, it has also been captured within the amended description. There is also already a B1(c) use (Auto Wax Works) and Sui Generis use (Legends Automotive) operating from within the building so the proposal is largely retrospective with only the middle section of the building unoccupied. This has also been referred to in the description.
- 3.6 Condition 17 has been changed as part of 17/02312/F and the new access (including pedestrian access arrangements) now relates to conditions 16 and 17 (explained in more detail within the Appraisal section of this report). The description has also therefore been amended to incorporate condition 16.

- 3.7 The amended description has been agreed with the applicants and now reads as follows:

*Variation of condition 8 (permitted uses) to include B1c (light industrial use), sui generis (showroom/workshop use) and ancillary A3 use to building 129 (retrospective); and variation of conditions 16 and 17 (to revise the timeframe for the installation of the new access) of planning permission 17/02312/F.*

Additional consultation and publicity has taken place in relation to the change to the description, albeit not for the incorporation of the words “conditions 16 and”, the omission of which was discovered later but is considered a minor change and not necessary to consult on further as the detail of this change was still expressed in the condition (namely to revise the timeframe for the new access).

Reason for Proposal:

- 3.8 Currently building 129 only has consent for a D2 use (assembly and leisure) and due to demand for employment space, the applicant wishes to make this unit more flexible to enable it to house a use falling within B1(c) light industrial and/or sui generis (showroom/workshop use) instead of or in addition to the D2. Two of these uses are already operating from the building as explained at Paragraph 3.5. No physical alterations are proposed as part of this application. Part of this building is also being used as ancillary A3 use which is ancillary to Auto Wax Works.
- 3.9 The applicant has requested a change to the conditions relating to the access to give them 24 months in order to implement the new access and to ensure that they are able to comply with the condition (i.e. that it is not a pre-commencement condition).

#### **4. RELEVANT PLANNING HISTORY**

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

- **16/01805/F** – Change of use of buildings from sui generis MOD use to various commercial uses as detailed in accompanying Planning Statement with associated physical works and demolition of buildings 101 and 104 and erection of replacement structures – Permitted
- **16/01806/LB** - Physical works to buildings 79, 108, 113, 123, 129, 130, 131, 135 and 137 to enable restoration and conversion to commercial use – Permitted
- **16/00078/SO** - Screening Opinion to 16/01805/F and 16/01806/LB - Change of use of buildings from sui generis MOD use to various commercial uses as detailed in accompanying Planning Statement with associated physical works, demolition of buildings 101 and 104 and erection of replacement structures and physical works to buildings 79, 103, 108, 113, 123, 129, 130, 131, 135 and 137 to enable restoration and conversion to commercial use – EIA not required
- **17/01847/F** - Alterations to existing site access including installation of replacement security gates and erection of gatehouse – Permitted

- **17/00540/DISC** - Discharge of Condition 4 (plans for buildings 129 and 131) of 16/01805/F – Condition discharged
- **17/00541/DISC** - Discharge of Condition 4 (plans for buildings 129 and 131) of 16/01806/LB – Condition discharged
- **17/02312/F** – Variation of condition 14 of 16/01805/F (for Buildings 131 and 135 only) – approved on 9<sup>th</sup> February 2018.

## 5. PRE-APPLICATION DISCUSSIONS

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

## 6. RESPONSE TO PUBLICITY

6.1 This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 03.05.2018, although comments received after this date and before finalising this report have also been taken into account.

6.2 1 letter of objection received on the following grounds:

- Bicester Heritage have not made the site available to the public but are turning the existing buildings into commercial premises and staging car shows and racing on the airfield;
- Issue with note on the application where they request demolition of buildings 101 and 104 as this does not preserve the heritage of RAF Bicester;

*[Officer comment: In respect of the demolition of buildings 101 and 104, this relates to the original planning application 16/01805/F and does not relate to this application. Demolition of these buildings was deemed acceptable as part of that application and has already been approved.]*

## 7. RESPONSE TO CONSULTATION

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

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2 Bicester Town Council: No comments to make;

7.3 Launton Parish Council: No comments or objections;

### STATUTORY CONSULTEES

7.4 The Environment Agency: No comments received

7.5 The Local Highway Authority:

[Original response] No concerns with the changes to buildings 129 and 130 as they represent a very small proportion of the total floorspace originally permitted by

16/01805/F and therefore no concerns with the traffic flows on the wider transport network.

[Amended comments, as no comments were made in respect of the proposed changes to condition 17 initially and following discussions with the planning case officer] Recommends revised wording to condition 17 to ensure that it continues to require the applicant to consider the safe and convenient movement of pedestrians and cyclists at the site access itself and to and from the nearby bus stops and existing pedestrian and cycling facilities. Is content that this can be considered within 12 months of the date of this permission and constructed within 18 months of the details being approved. [*Officer comment: This is to allow sufficient time for discussion on this issue to be given due consideration and S278 approval to be granted*].

Natural England: No comments to make;

7.6 Thames Water: No comments received

#### NON-STATUTORY CONSULTTEES

7.7 CDC Arboriculture: No comments received

7.8 CDC Conservation: No comments received

7.9 Warwickshire Ecology (on behalf of CDC): No comments in respect of the change of use but wish to remind the applicant of the need for bat surveys before works are carried out to these buildings. [*Officer comment: This condition will continue to apply and is not affected by this application*].

7.10 CDC Economic Development: No comments received

7.11 Environmental Protection: No comments in respect of Noise, contamination, air quality, odour or light;

7.12 CDC Landscape Services: No comments received

7.13 CDC Waste and Recycling: No comments received

Further comments received following further publicity in respect of the amendments to the description:

7.14 Bicester Town Council: No comments to make

7.15 Launton Parish Council: No comments or objections;

7.16 Natural England: No comments;

7.17 Local Highway Authority: No objection subject to the condition original suggested in March 2018;

7.18 CDC Landscape Services: No comments to make;

7.19 Environmental Protection: No comments to make

## **8. RELEVANT PLANNING POLICY AND GUIDANCE**

- 8.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below (the same policies as those for the original application 16/01805/F):

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

- PSD1 – Presumption in Favour of Development
- BSC 7 – Securing Education Needs
- SLE1 – Employment Development
- ESD7 – Sustainable Drainage Systems (SUDS)
- ESD10 – Biodiversity and the natural environment
- ESD15 - The Character of the Built and Historic Environment
- BIC8 – Former RAF Bicester

### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C21 – Proposals for re-use of a listed building
- C23 – retention of features contributing to character or appearance of a conservation area
- C28 – Layout, design and external appearance of new development
- ENV1 – Development likely to cause detrimental levels of pollution
- ENV12 – Development on contaminated land

### OTHER MATERIAL PLANNING CONSIDERATIONS

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Appendix A to Circular 11/95 – Use of Conditions in planning permission
- Circular 06/2005 – Biodiversity including statutory obligations within the planning system
- RAF Bicester Conservation Area Appraisal – November 2008
- RAF Bicester Planning Brief
- Heritage Partnership Agreement – Bicester Heritage, 2014

The National Planning Policy Framework (“the Framework”), in particular paragraphs 9-17 (presumption); 18-20 and 22 (economy), 29-36 (transport); 56-67 (design); 69-78 (healthy communities); 93-104 (climate change and flooding); 109-125 (natural environment); 126-139 (historic environment) and 186-206 (decision taking).

## **9. APPRAISAL**

- 9.1 The key issues for consideration in this case are:

- Whether the proposal to incorporate B1(c) use, sui generis use and ancillary A3 use for building 129 is acceptable in the context of the rest of the development having regard to highway safety and any other relevant planning issues;
- Whether the request to amend the timeframe for the implementation of the new access to 24 month from the date of the planning approval is acceptable taking into account the circumstances of the site and the need to have the new access in place to serve the development.

#### Condition 8 – Building 129 – Incorporation of B1(c), Sui Generis and Ancillary A3 uses

- 9.2 The proposal to utilise building 129 for B1(c) light industrial use and/or Sui Generis (showroom/workshop use) as well as the permitted D2 (assembly and leisure use) is considered to be acceptable within the context of the rest of the development. Much of the rest of the development is used for B1(c); B2 (general industrial) or Sui Generis (workshop/showroom) use classes and so the proposal will fit within the wider site.
- 9.3 As set out by the applicant in their covering letter, building 129 is in 3 distinct bays. At either end there are taller buildings – the northern one consists of one bay width and the southern one consists of three bay widths. These taller buildings are connected by a lower linear building of six bays. These are each self-contained and already divided from each other by gable end walling. Therefore it would be possible for this building to operate under 3 separate uses (D2, B1(c) and Sui Generis) without conflicting with each other, in much the same way as already occurs around the rest of the Technical Site.
- 9.4 It is not considered that this increased flexibility to the use of this building will have any adverse impacts in terms of highway safety, residential amenity, ecology or adversely harm the listed building. The potential mix of uses would be less intense than the whole building being a D2 only use and therefore it is acceptable.

#### Conditions 16 and 17 – Access arrangements

- 9.5 Whilst the applicant has requested a change to the time frame for implementing the new access as part of this application, conditions 16 and 17 also require some tidying up as part of this approval. This is because, an error was made in the drafting of the original condition 17 (on 16/01805/F) which required the new access to be implemented “prior to the first occupation of any of the development” despite aspects of the development already being occupied at that stage which has rendered the applicant in breach as soon as the permission was issued.
- 9.6 Also in drafting conditions 16 and 17 for 17/02312/F which took these conditions from a separate approval for the access (17/01847/F), the “prior to commencement” wording was unfortunately left in the new condition 17 which also omitted the requirement for a pedestrian crossing as required by OCC Highways originally on 16/01805/F (explained more in the following Paragraphs).
- 9.7 Therefore this application is submitted in order to regularise the triggers for Condition 17 and request a timeframe of 24 months in which to submit details of the access and for it to be constructed.
- 9.8 However, in discussing the application with the applicants, it is also understood that there are elements of the new access, namely a new Gatehouse kiosk and entrance gates (that was approved separately in an application in its own right – 17/01847/F – see drawing 12068/SK702 Rev D) that the applicants wish to be able to get on and construct without being tied to providing full details of the access (specifically

including details on highway land etc.) as this will significantly slow down the improvements to the new entrance that they wish to carry out due to the need for a S278 agreement.

- 9.9 In approving the first Section 73 application in February 2018, it was important to update the decision notice to reflect the approval of the gatehouse and new entrance gates. This permission (17/01847/F) had imposed a condition that required plans of a proposed pedestrian access to be submitted and so this condition was imposed in lieu of the original condition 17. A new condition 16 was also imposed that required the new access and gatehouse to be constructed in accordance with the plans shown as part of 17/01847/F.
- 9.10 However, as has been noted by the Local Highway Authority as part of this application (see their consultation response), this amendment to condition 17 does not make reference to ensuring that the works allow pedestrians and cyclists to make safe and convenient movement to and from the site and the nearby bus stops and existing pedestrian and cycling provision – i.e. that a crossing of the A4421 is required.
- 9.11 Whilst planning law allows LPA's to make changes to other conditions not specifically applied for as part of a Section 73 application (as this is issuing a new permission), transferring the conditions from 17/01847/F to the site wide approval omitted the need for a crossing, because the assessment of 17/01847/F in highway terms was considered on its own merits and not in connection with the change of use of many of the buildings on site – which is the reason a crossing is required.
- 9.12 The Local Highway Authority have therefore recommended a revised condition, which also gives the applicant flexibility to begin construction on the gatehouse kiosk and new entrance gates (i.e. works within their boundary) without being bound by supplying details of the remainder of the access and pedestrian crossing on highway land and obtaining S278 approval. This revised condition requires them to submit details between the land and the highway on Buckingham Road within 12 months of the date of this permission and to then construct the means of access within 18 months of the details being approved. In the meantime, if the applicants wish to implement works as approved under 17/01847/F it is not considered that this would conflict with the applicant's compliance with the revised condition.
- 9.13 Whilst the applicants requested 24 months to obtain approval for the details and have the works constructed, it is considered to be more reasonable to apply a staged approach, where the details are submitted within 12 months and then the works constructed within a further 18 months. In total this gives 2.5 years to get the new entrance up and running.

#### Other Material Changes/Alterations to Conditions Required

##### *Ancillary A3 use:*

- 9.14 Whilst not initially applied for as part of this application, on site it was noted that an A3 use was operating from one of the three bays in the southern taller building. This is operating as a very small café – offering hot drinks and hot and cold snacks (sandwiches and paninis etc.). There is only a little inside seating (approximately 4 seats). This is very much an ancillary use, connected to 'Auto Wax Works', a valet service, which began as a waiting area and coffee machine for customers but has grown slightly to a mini-coffee shop to provide an enhanced refreshments experience for those customers.



- 9.15 The café is now used by other workers throughout the Bicester Heritage site, but it is not advertised outside the site (or inside the site for that matter) and so is not intended to attract passing trade or operate as a use in its own right. There are inter-connecting doors between the café and the Auto Wax Works workshop and so in all likelihood the A3 use will only exist as long as the valet business is operating from building 129.
- 9.16 Whilst an A3 use in its own right would be contrary to policy as this is not allocated in policy Bicester 8 and could potentially attract trade from the town to an out of town location, an ancillary A3 use is considered to be acceptable as this is clearly small scale and attached to a business operating at the site. It is not therefore considered to have any adverse impact on the town centre or result in any adverse impacts in terms of highway safety, residential amenity or impact on the heritage assets. In order to control the use and ensure that it does not expand into a use in its own right, it will be conditioned to be ancillary to a use operating in building 129 only.

*Other minor wording changes:*

- 9.17 Conditions 9 and 10 of 17/02312/F sought to restrict the uses in that condition (stated as workshop/showroom/teaching facility) to be limited to purposes associated with the operation of the site as a campus dedicated to motoring and aviation in order to comply with Policy Bicester 8. However, Policy Bicester 8 just permits groups of acceptable planning uses (tourism, leisure, employment etc.), it does not stipulate that these need to be related to aviation and motoring, that just happens to be what the owner of the site specialises in. If they were to be used for non-motoring and aviation uses, this is still considered to comply with policy. The training (educational) element of the uses (D1) is not specifically referred to in Policy Bicester 8 and therefore it does not strictly comply. However it is considered to be a use which is suitable in this location and referring to Policy BSC7 of the Local Plan Part 1, the provision of facilities for education and the development of skills is to be in sustainable locations and with other services and facilities to create community hubs. Bicester Heritage is providing a centre for employment and training based on motoring and aviation (although not necessarily limited to) and therefore provision of training within this location is considered to be acceptable and continues to comply with the overarching policy aims of the Local Plan. Conditions 9 and 10 will therefore be deleted but their permitted use classes combined into condition 8 for clarity and ease of reference.
- 9.18 Condition 11 of 17/02312/F has required some minor alterations to the wording to make the condition read more clearly in terms of what uses have been approved. As with conditions 9 and 10 above, it is not considered reasonable to make these uses specific to motoring and aviation either (except the A1 element which is the subject of its own restrictive condition: no. 13) and so this sentence will also be deleted.
- 9.19 Condition 18 and 19 of 17/02312/F in respect of car parking and cycle parking spaces have been joined together into a single condition for clarity purposes and the trigger changed from “pre-occupation” to within 6 months from the date of the approval (as the applicants were again already in breach when the original permission was issued due to some units already being occupied).

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three

dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.

- 10.2 The proposed changes to the wording of conditions 8, 16 and 17 and the changes to be made to other conditions/additional conditions added as set out in the report are considered to be acceptable in the context of the permitted scheme (16/01805/F and the subsequent 17/02312/F) and the uses are still considered to be in accordance with Policy Bicester 8 of the Cherwell Local Plan 2013 Part 1. The changes will not result in any detrimental impact in terms of highway safety or residential amenity and will have no impact in terms of the design of the buildings, the significance of the heritage assets at the site, ecology, trees or contamination. The proposal is therefore considered to be in accordance with policies PSD1, BSC7, SLE1, ESD7, ESD10, ESD15 and BIC8 of the Cherwell Local Plan 2011-2031 Part 1; "saved" policies C21, C23, C28, ENV1 and ENV12 of the Cherwell Local Plan 1996 and the National Planning Policy Framework (NPPF).

## **11. RECOMMENDATION**

That permission is granted, subject to the conditions and informatives on the attached decision notice.

Case Officer: Maria Philpott

DATE: 04.05.18

Checked By: Tracey Hill

DATE: 04.05.2018

---