

Wards:

The Astons and Heyfords

District Councillors:

Councillor Mike Kerford-Byrnes
Councillor James Macnamara

Case Officer: Andrew Lewis

Recommendation: Approval

Applicant: Dorchester Group

Application Description:

Use of Flying Field for film and television production with associated parking with land and to continue to be used for employment uses as permitted under application ref 08/00716/OUT when not in use for film and television production

Committee Referral: Major

1. Site Description and Proposed Development

Background

- 1.1 The application site for this proposal is the flying field part of the former RAF/USAF Upper Heyford base. It measures approximately 409.2 hectares in size, the Heyford base being approximately 505 hectares in total. For the last four years the site has been owned by the Dorchester Group. In that period the base has accommodated approximately 1,000 jobs and homes for around 750 residents.
- 1.2 In terms of the uses on site, the military use ceased in 1994. Since 1998 the site has accommodated a number of uses in existing buildings, first under temporary planning permissions latterly under a permanent permission granted on appeal and subsequent applications. The most relevant to the current application was the outline application granted at appeal, ref 08/00716/OUT, which proposed: "A new settlement of 1075 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)."
- 1.3 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. The main flying field is characterised by the open, plateau-top landscape dominated by meadow grassland and hard surfaces and punctuated by the airfield buildings. The 'raison d'être' of the airbase defined by the runways constructed in the 1940s. The 'top-of-the-world' openness of this section of the flying field imbues the observer with a sense of isolation. The trees at the edge and outside the base become more significant towards the north providing some screening and giving the intermittent views across the landscape.

The Proposed Development

- 1.4 Production filming has been taking place at Heyford for some years under permitted development right but this limits the use of the land to 28 days in any one year. Permission is now sought for a more formal permission as the filming process often involves an extended lead in time, and removal, of production equipment. Recently

the site has been used for filming films, television productions and adverts, including the latest Muppet movie, The Woman in Black II, World War Z, Lewis (ITV drama), GT Academy (TV drama), the Oxo advert and the 2002 Adidas World Cup advert and was used as far back as 1983 whilst Heyford was an occupied American Airbase (Octopussy).

- 1.5 Whilst it is very unlikely that any production will require use of the whole Flying Field the application seeks permission for use of the entire flying field for film and television production in order to provide greater flexibility. At present any part of the Flying Field (i.e. including the County Wildlife site) can be used for the proposals for up to 28 days in any calendar year unrestricted. During the processing of the application the applicant has varied the submission so that it will take place on no more than 125 days per year, including the setting up and removal time periods. The proposal also wishes to include the opportunity to film inside buildings
- 1.6 The sets to be created will vary for each film and as such it is difficult to prescribe what will be proposed. Large film crews for example bring all their catering facilities onto the site as well as changing facilities for actors / actresses.
- 1.7 Access to the site would be via the existing barrier controlled entrance and circulatory road off Camp Road. HGV's will arrive from the east using the M40 so as to avoid Upper and Lower Heyford. This would be consistent with current practice. Heyford Park has not had any abnormal loads delivered to date as part of any of the productions that have taken place. Each production will vary in terms of its location within the Flying Field as well as the extent of parking required and as such the applicant has advised it is not practical (or possible) to identify a set parking area. In terms of vehicular trip generation this will again vary with each production and is not therefore possible to estimate
- 1.8 Due to the differing nature of each production it has not been possible to ascertain any hours of operation. They will largely be dictated by the type of filming being undertaken (i.e. whether the production is to be shot in daylight, dusk or at night). The applicant has also sought to avoid restricting hours of operation as it would deter a number of productions from choosing Heyford Park as a production location. For all major productions a Location Manager is (and will continue to be) assigned by production companies.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letters, site notice and press notice. The final date for comment was the 1st May 2014. Three public comments has been received:

Village Farm:

- we moved to this farm some four years ago , the base was very quiet when we moved here
- the noise we can hear day and night's growing massively
- In the past when they have been filming our house and yard has been floodlit and several explosions can be heard.
- Most traffic comes past us which is very close to our house
- We also have horses that get disturbed when these things happen.

Troy Farm:

- Filming should be restricted-not at night-due to noise and light pollution
- No filming at weekend
- A contact should be provided for liaison
- Effect on view
- Effect on horses

Troy Farm Cottages

- We have been disturbed by noisy filming in the past, most concerning was being woken several times during the night by loud explosions and the light pollution by huge flood lights at great heights.
- While I accept there will be some businesses enterprises on the base, they must be sympathetic to the local RURAL environment and its residents.

3. Consultations

3.1 Somerton Parish Council: We object on the grounds of the disturbance to those Somerton residents adjacent to the base. The Application does not detail any system of liaison with affected residents and recent activities have been detrimental to their businesses and quality of life. In Somerton, we all understand the benefit to the area brought about through the use of the premises for such purposes but the lack of liaison between the users of the base and adjacent residents is causing distress and severely affecting their day-to-day business. The liaison would need to cover all times (rather than outside normal business hours) as horses and other livestock are in fields nearby

3.2 Upper Heyford Parish Council: No objection

Cherwell District Council Consultees

3.3 Conservation and Urban Design Officer:
Although a Design and Access Statement is not required for this type of application, under the NPPF, the applicant is still obliged to justify their requirement for the works with regard to the historic environment:

NPPF 128: LPAs require applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. Unfortunately, the applicant has not supplied this information. They have stated that the proposal would have the potential to impact on the significance, without stating what it is or how it would be impacted, or how the proposed filming would protect such significance.

In turn, the LPA is obliged to consider the following points and ensure that sufficient information is submitted in order to come to a conclusion:

NPPF 129: LPAs should identify and assess the particular significance of any heritage asset that may be affected by the proposal. The LPA has done this through the Former RAF Upper Heyford Conservation Area Appraisal 2006. The character and significance outlined within that document will be measured against the proposal to assess the potential impact of an application.

NPPF 131: LPAs should take into account the desirability of sustaining and enhancing the significance of the heritage asset and of putting them to viable uses consistent with their conservation. Unfortunately, the applicant has not supplied information which allows the LPA to draw a conclusion on this aspect.

NPPF 132: Any harm to a heritage asset should require clear and convincing justification. The applicant has stated that the filming has the potential to impact on the significance of the site but not how, or how this would be mitigated. Neither have they stated why this is required. Therefore, there is no clear and convincing justification for what they have stated would have a potential impact on the significance of the site.

NPPF 134: As the proposal involves no demolition of structures, but involves the

increase of 'temporary uses' which may have a potential impact on the significance of the site, I conclude that it is likely that the works would be considered to be less than substantial harm. In this instance therefore, the proposal should be weighed against the public benefits of the proposal. None have been outlined, and therefore it is impossible to assess as to whether public benefit would outweigh the harm.

28 days of filming is permitted under planning law. There is no mention of why an additional potential 337 days are required, what this would exactly look like or involve, and what potential impact this would have, despite admitting that it would have an impact.

Section 72 (2) of the **Planning (Listed Buildings and Conservation Areas) Act 1990** states that the LPA shall pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The character of that part of the conservation area is stated in the 2006 appraisal (7.1.1) as one of 'open grassland bisected by runways, taxiways and hardstanding'. It states specifically at 7.1.2 that some areas in between the historic buildings have been filled with newer structures in a range of building materials and styles, which complicate the appearance of the area and make it less easy to appreciate its original form. Adding to these structures, even on an undefined 'temporary' basis, would only exacerbate this complicated appearance.

Unfortunately, with no information as to the amount of potential filming, the potential impact on the significance of the site, no analysis of the significance of the site, and no clear and convincing justification as to why this potential harm is required for the public benefit, I am unable to draw a conclusion as to whether this would have a detrimental impact of the character and appearance of the conservation area. All I can do is to draw on the 'worst case scenario', which would involve several film crews working on the airfield at once, 365 days a year, filling in the spaces between the buildings, and thereby resulting in harm to the designated heritage assets: the setting of the listed buildings and scheduled monuments, and the overall conservation area.

This would be unacceptable substantial harm to the designated heritage asset, and therefore I cannot support this application.

3.4 Ecology Officer:

- The Local Wildlife Site - this contains grassland within a defined area that can't be damaged or removed. No activity to take place on this that has the potential to damage or harm the grassland, at any time of the year.
- Great crested newts - the newts are confined to certain parts of the site and won't generally be all over the grassland. The areas known to be used by them could be marked on a map and these areas not disturbed at any time of the year (as they will be hibernating nearby over the winter).
- Ground nesting birds - this could potentially be anywhere on the grassland. No activity to take place at all between March and July inclusive on any grassland anywhere on the site unless it has been checked for the presence of nesting birds beforehand by an ecologist.

3.5 ASB Manager

I can confirm that I would be satisfied that the applicants acceptance of the following condition would offer sufficient protection to dwellings from night time noise:
"Noise from amplified sound, pyrotechnic effects, simulated gunfire, vehicle movements and similar theatrical activities shall not be audible beyond the application site after 23:00 or before 07:00 hrs on any day, unless otherwise agreed in writing by the LPA"

3.6 Environmental Protection Officer

It is noted there is no assessment of whether this land is affected by contamination

provided with this application. Presumably film and tv work will include sensitive human receptors, such as children. I recommend that the risk from land contamination is considered for this development and contaminated land conditions are applied.

Oxfordshire County Council Consultees

- 3.7 The Highways Officer: No objections in principle, subject to conditions:
- Access
 - Routing
 - Abnormal Loads
 - Production Management Plan

Other Consultees

- 3.8 English Heritage (EH): No comment

4. Relevant National and Local Policy and Guidance

- 4.1 Development Plan Policy

Adopted Cherwell Local Plan 1996

The Cherwell Local Plan was adopted in November 1996. Although the plan was intended to cover the period to 2001 it remains part of the Statutory Development Plan. The Cherwell Local Plan was adopted shortly after the former airbase was declared surplus and therefore does not have any policies specifically in relation to the site. The following saved policies are however considered relevant:

C18	Historic Buildings
C10	Historic Landscape
C23:	Conservation Areas
C28	Design Considerations
TR7:	Traffic on Minor Roads
TR1:	Transportation Measures
EMP4:	Employment in Rural Areas

Oxfordshire Structure Plan (OSP)/South East Plan 2009 (SEP)

The Regional Strategy for the South East (Partial Revocation) Order 2013 revoked the South East Plan with effect from 25th March 2103. "The effect of Article 3 of this Order is to revoke all structure plan policies in the region with the ...significant... exception of ... policy H2 of the Oxfordshire Structure Plan 2016, which relates to the former air base at Upper Heyford in Oxfordshire."

The Structure Plan (OSP) which had effectively been replaced by the SEP included, unusually for such a strategic document, a site specific policy for Upper Heyford. This policy, H2, was saved by the SEP. Although the thrust of the OSP was to direct development towards urban centres, paragraph 7.7 of the Structure Plan advises that; "Land declared surplus by the Ministry of Defence at the former airbase at Upper Heyford represents an opportunity to achieve an appropriate balance between environmental improvements to a rural part of Oxfordshire, conservation of the heritage interest from the Cold War, and reuse of some existing buildings and previously developed land located in the former technical and residential areas of the base."

Upper Heyford represents an opportunity to achieve an appropriate balance between

environmental improvements to a rural part of Oxfordshire, conservation of the heritage interest from the Cold War, and reuse of some existing buildings and previously developed land located in the former technical and residential areas of the base.” Policy H2 required the development of the base to be in accordance with a comprehensive development brief for the site.

Other Material Policy and Guidance

4.2 National Planning Policy Framework-March 2012

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

4.3 Draft Submission Local Plan (October 2013)

The Proposed Submission Local Plan was published for public consultation in August 2012. A further consultation on Proposed Changes to the draft plan was undertaken from March to May 2013. On 7 October 2013, the draft Submission Plan was approved by the Council's Executive. The Plan was presented to Full Council on 21 October 2013 and endorsed as the Submission Local Plan. It was submitted to the Secretary of State on 30th January 2014 and considered at the Local Plan Examination in June 2014 which was suspended for 6 months and is due to reconvene in December 2014. At the present time the Plan carries limited weight. However, it will not form part of the statutory Development Plan until the Examination process is complete and the Plan is formally adopted by the Council.

The policies listed below are considered to be material to this case and are not replicated by a saved Development Plan policy:

- Policy Villages 5-Former RAF Upper Heyford

4.4 Conservation Area Appraisal

The RAF Upper Heyford Conservation Area was designated in April 2006. A Conservation Area Appraisal (CAA) was produced for the site and adopted by the Council in April 2006. The CAA includes the historic significance of the site, analyses its character and heritage assets, assess the special interest, negative factor affecting the site and summarises the issues. It describes the site as; ‘The landscape setting and hardened concrete structures of the former RAF Upper Heyford have the power to communicate the atmosphere of the Cold War.’

The CAA identifies the following key areas in the summary of issues;

1. Protection of the Historic Buildings and Landscape
2. Vulnerability of the site to fragmentation
3. Reuse of the retained buildings
4. Incorporation of a new settlement

5 **Appraisal**

5.1 The application raises a number of issues but the main ones are considered to be:

- The Principle of Development and Compliance with the Development Plan
- Economic Benefit
- Heritage and Impact on the Conservation Area
- Transport, Access and Highways
- Residential Amenity

The Principle of Development and Compliance with the Development Plan

- 5.2 The Structure Plan (OSP) which had effectively been replaced by the SEP included, unusually for such a strategic document, a site specific policy for Upper Heyford. This policy, H2, was partially saved by the revocation of the SEP and remains in place and the policy as it remains is reproduced:

Upper Heyford

H2 a) Land at RAF Upper Heyford will provide for a new settlement of about 1000 dwellings and necessary supporting infrastructure, including a primary school and appropriate community, recreational and employment opportunities, as a means of enabling environmental improvements and the heritage interest of the site as a military base with Cold War associations to be conserved, compatible with achieving a satisfactory living environment.

Those familiar with the policy will be aware that a requirement for a planning brief no longer exists nor a requirement for a balanced transport strategy.

- 5.3 The adopted Local Plan 1996 is largely silent on Heyford, the non-Statutory Cherwell Local Plan 2011 reinforced OSP H2 setting out in policies UH1-UH4 a large number of conditions requiring compliance in order to seek a comprehensive approach to its development. It set out the need for a Comprehensive Development Brief (CDB) for the site and this was produced and approved as supplementary planning guidance (in a modified form) in 2007.
- 5.4 The emerging Local Plan is still some way from adoption but having accepted Heyford is now a development site, policies are emerging that are more tailored to current circumstances so one of the principles for Heyford is: "Provision of a range of high quality employment opportunities, capable of being integrated into the fabric of the settlement, and providing that the use would not adversely affect residents or other businesses and would not have an unacceptable impact on the surrounding landscape, historic interest of the site, or on nearby villages." It sees development much in line with OSP H2 so "This site will provide for a settlement of approximately 760 dwellings (net) and necessary supporting infrastructure, including a primary school and appropriate community, recreational and employment opportunities, enabling environmental improvements and the heritage interest of the site as a military base with Cold War associations to be conserved." (Policy Villages 5). Although this document may be material it carries limited weight as yet
- 5.5 There are no specific policies that address such a use as that proposed in any of the relevant Development Plan documents. Main issues are dealt with below in more detail but Officers are satisfied what is proposed does not conflict with the development plan.

Economic Benefit

- 5.6 The NPPF makes clear the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future. It is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed

on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.

- 5.7 Clearly the film industry is as 21st century as one can get and whilst not mainstream it can be a significant employer. The downside is that from information provided most of the employment created is likely to be from outside the area except for an element of manual and short term temporary jobs. There is however likely to be a spin off that will benefit local service businesses such as restaurants, hotels and pubs. Further information has been provided by the applicant and Creative England advise that filming will bring “significant, immediate and on-going economic benefits” to the local area. They estimate a medium size film production such as Muppets will put £22,000 a day into the local economy although how this is calculated is somewhat unclear. Further, from tourism, Oxford Economics estimate £2.1billion from visitor spend is attributable to the UK film industry, which contributes £1billion to UK GDP and £230million to the Exchequer.
- 5.8 Policy H2 and the RCPB accept that employment is required if the settlement at Heyford is to be a sustainable one but the recommended type and location of it, which the RCPB preferred to be in the settlement area and science based/high tech, was not fully accepted by the SoS who permitted a significant number of buildings across the flying field to become commercial in use particularly for storage. The RCPB also sought to deal with existing businesses at Heyford in a sympathetic manner.
- 5.9 According to the NPPF, planning should encourage economic growth and not act as an impediment to it and significant weight should be given to proposals for economic growth. This is taken even further where support in the rural economy should be given to growth and expansion of all types of businesses and enterprises both through conversion and new buildings.

Heritage and Impact on the Conservation Area

- 5.10 In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 5.11 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
- 5.12 Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - the harm or loss is outweighed by the benefit of bringing the site back into use.

- 5.13 Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 5.14 In determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.15 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.16 In this case, the application site comprises a large part of the RAF Upper Heyford Conservation Area, four Grade II Listed Building (Nose Docking Sheds 325, 327 & 328, Control Tower 340 and Squadron HQ 234) as well as three Scheduled Monuments (QRA, Northern Bomb Stores and Avionics Building 299). The Hardened Telephone Exchange (Building 129) and Command Centre (Building 126), which are both Scheduled Monuments, lie just outside the application boundary to the south east.
- 5.17 It is acknowledged that the individual buildings and areas detailed above, along with many of the other buildings and structures throughout the Conservation Area serve to add to the understanding of the former use of the site and contribute to the character and appearance of the Conservation Area and therefore any proposed use of the site has the potential to impact upon the significance of the site. The submitted application was not supported by any documentation that clearly justified the proposals compliance with national and local policy on heritage. However, a heritage statement has subsequently been received. It points out national policy seeks opportunities for new development in conservation areas, although this is to better enhance and reveal their significance. The Statement points out the development would be limited and temporary. It goes on that conditions can be imposed, including a Production Management Plan, which will give more details on the actual filming set up and provide a co-ordinator to liaise with the local community. It states that because there will be no demolition and the use is temporary, it will cause "less than substantial harm" and provide benefits from investment in the local area to "secure its optimum viable use."
- 5.18 Whilst the evidence submitted cannot be viewed as conclusive, Officers consider the proposed use for filming purposes would indeed be temporary in nature and therefore not have a lasting impact upon the character and appearance of the Conservation Area or listed buildings/scheduled monuments, with productions being on site for short periods of time and once filming is complete moving off site, restoring it back to its former appearance.
- 5.19 This temporary nature is demonstrated by the use of an area of the Northern Bomb Stores for filming in 2013. Whilst in that instance planning permission itself was not required, Scheduled Monument Consent was sought from and granted by English Heritage (ref: S00053474) for the use of the site for filming purposes. This allowed temporary sets to be constructed on the site in consultation with English Heritage,

with relevant Conditions being attached to the Consent to control the restoration of the site once the filming has concluded. English Heritage subsequently inspected the site and was happy that the site had been successfully restored and that the use had no lasting impact on the Scheduled Monument. It is noted English Heritage do not object to this proposal.

- 5.20 The Conservation Officer's comments were made on the initial submission since when further information has been submitted. The applicant has to provide information proportionate to what is proposed and it is considered this has now been done and where there is doubt about harm this can be dealt with through the use of conditions, in particular, the requirement to provide a production management plan before filming takes place. If harm is likely to be caused then approval of details submitted under the condition does not have to be agreed. Furthermore, the evidence so far is harm is unlikely to be caused as the use of the Northern Bomb stores for filming and the report back from English Heritage shows.
- 5.21 At the 2008 appeal the Inspector considered, with the exception of the outdoor car processing, the development proposed would ensure that the character and appearance of the airbase as a whole would be preserved. The Inspector also quoted the guidance at the time where ... "New uses may often be the key to a building's or area's preservation, and controls over land use, density, plot ratio, daylighting and other planning matters should be exercised sympathetically where this would enable a historic building or area to be given a new lease of life." It was felt then any harm would be outweighed by what the NPPF now describes as public benefits
- 5.22 It is therefore considered that the use of the site for filming for temporary periods of time and up to 125 days a year will not cause substantial harm but have a neutral impact on the character and appearance of the Conservation Area, the Listed Buildings and the Scheduled Monuments, thus protecting their significance in accordance with the guidance set out within the NPPF.

Transport, Access and Highways

- 5.23 In general, Heyford is not considered to be a sustainable location that has easy access to services and facilities or good alternatives to travel by private car. The proposed use will however, generate a minimal amount of traffic once the onsite production set is created. There will be a daily flow of actors but this should be minimal. The Highway Authority has no objection to the proposal subject to conditions over, for example, routing.

Residential Amenity

- 5.24 Impact on residential amenity is an issue that Officers have given much consideration to following consultation on the application. It has now been brought to our attention that noise, lighting and traffic from filming activities have caused concern to residents in the past.
- 5.25 In terms of traffic, off-site the impact on amenity is not likely to be significant when measured against the overall level of permitted uses on-site and the traffic it will generate. Conditions can be used to ensure HGVs do use the designated routes. On site an issue has arisen over impact from traffic using the circulatory route around the edge of the site. However this is the route that was agreed at appeal, as opposed to driving across the airfield which was considered would be harmful to the heritage asset that is the base. There is currently a reasonably high level of traffic that uses it but additional traffic will not be significant and cannot be said to be harmful to residential amenity of the nearest residents.
- 5.26 It is acknowledged that there may be short periods where noise may be audible to

local residents but this will always be of a temporary nature and it is proposed that residents will be provided with advance warning by the Location Manager. Officers had considering a buffer zone to the nearest residential properties within which filming would not be permitted. However, a condition has been drafted on noise levels and hours of operation, which should be more effective and enforceable.

Nature Conservation

- 5.27 In addition to its value as a heritage conservation site it is also important for its ecology. A large area of the eastern airfield is designated a County Wildlife site due to the importance of its grassland. Great crested newts also reside at various places around the flying field and adjacent areas. And the airfield is also important for ground nesting birds. This wildlife and its habitat need to be protected although if the development complies with the conditions proposed they should not be adversely effected.

Engagement

- 5.28 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application and the ongoing discussions with the applicant to overcome concerns and possible reasons for permission to be refused.

Conclusion

- 6.1 The appeal decision itself has changed in many respects the weight and the balance to be considered between the requirement to secure environmental benefits as well as heritage assets. Whilst the development of Heyford Park may be seen as enabling development, to secure heritage assets and environmental benefits, the 2010 appeal decision in effect makes this a development site, a decision reflected in the policy of the emerging Local Plan. It is considered that there have been changes in circumstances particularly in national planning guidance, the assessment of the heritage value of the airfield and, more particularly, arising from the change of economic circumstances, and the weight to give to them. There is also little doubt that in recent times Government policy and decisions, as seen in the planning appeal process, have accentuated the weight to be given to development that contributes to building a strong, responsive and competitive economy.
- 6.2 Sustainable development means encouraging economic growth while protecting the environment and improving our quality of life all without affecting the ability of future generations to do the same. In the report it has already been stated that allowing the use will potentially aid prospects for economic growth. It will have a neutral impact on the character and appearance of the Conservation Area. Where there is an adverse impact this can be mitigated by use of conditions. Carbon emissions from transport will be minimal because despite the isolated rural location it will generate limited traffic. So in the officer's conclusions, the proposal could be considered sustainable development.

7. Recommendation

Approval, subject to the following conditions:

- 1 The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and

Compulsory Purchase Act 2004.

- 2 Filming and associated activities shall be restricted to a maximum of 125 days per annum.

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of the adjoining dwellings in accordance with Policies ENV1, C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework and as stated in the supporting Heritage Statement.

- 3 Before filming commences a Production Management Plan shall be submitted to the Local Planning Authority. Any film or drama production which is to exceed 7 days in duration shall be submitted no less than 4 weeks before the commencement of filming and any film or drama production which will make use of the site for less than 7 days and is to involve noise amplified sound, pyrotechnic effects, simulated gunfire and similar theatrical activities shall be submitted no less than 2 weeks before filming commences.

The Production Management Plan shall set out the:

- Name and contact details of the Location Manager;
- Location(s), including site plan, of the areas to be used for and in association with the proposed filming, including details of parking provision.
- Details of filming activities including information on any construction in, on, under or over land together with evidence that any development has the appropriate permission:
- Duration of the intended production (to include commencement and completion dates and recording the number of days the site is being used out of the permitted 125). ;
- Details of local engagement and consultation to be undertaken including properties to be notified directly of the production (including filming times and contact details of the Production Manager);
- Details of any proposed external lighting including any special effect lighting (e.g. such as searchlights). No external special effect lighting shall be installed without the consent of the Authority first being obtained.

No use of the site shall commence until the details of the Production Management Plan have been approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved Production Management Plan.

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of the adjoining dwellings in accordance with Policies ENV1, C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework and as stated in the supporting Heritage Statement.

- 4 No area scheduled as an Ancient Monument or within any building whatsoever can be used for filming unless it has been surveyed by a professional archaeological organisation/building recorder and a copy of the completed condition survey and record submitted to the Local Planning

Authority. No demolitions, stripping out, removal of structural elements, replacement of original joinery or fittings and finishes shall be carried out except where previously agreed with the Local Planning Authority.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the Conservation Area and existing historic buildings, and to comply with Government advice in the NPPF and Policy C18 of the adopted Cherwell Local Plan.

- 5 That at the expiration of the date specified in the Production Management Plan, all filming shall be discontinued, and any construction or other equipment used in the production shall be removed and the land and/or building(s) shall be restored to its former condition on or before that date.

Reason - To ensure that after the temporary use has ceased, the site is left in keeping with and conserving the special character of the Conservation area and existing historic building(s) and to comply with Government advice in the NPPF and Policy C18 of the adopted Cherwell Local Plan.

- 6 That the means of vehicular access to the buildings shall be via the former main gate onto Camp Road or Gate 7 only unless otherwise agreed in writing with the Local Planning Authority.

Reason - In the interests of highway safety

- 7 If, during development, contamination not previously identified is found to be present at the site, the LPA shall be notified and a remediation strategy detailing how the unsuspected contamination shall be dealt with shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details, including timescales, prior to the use of the contaminated area continuing.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 8 The rated level of noise produced by amplified sound, pyrotechnic effects, simulated gunfire, vehicle movements and similar theatrical activities shall not exceed background when measured in accordance with British Standard BS 4142:1997 at the boundaries of the application site between the hours of 20:00 and 08:00 Monday to Saturday and at any time on Sundays, Bank and Public Holidays unless notified to the Local Planning Authority four weeks in advance of any such activity and the activity being agreed in writing by the Local Planning authority.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 9 No activity detrimental to the grassland including excavation or surface storage of materials shall take place on the County Wildlife Site or grassed areas within the Great Crested Newt pond 250m buffer zones,

as identified on plan ref: XXXX

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 10 No activity shall take place on any grassed areas not shaded red on plan ref: D 0291 157C-1 between 1st March and 31st July, unless the site(s) have first been surveyed, details of any ecological impacts assessed and a mitigation strategy submitted to the Local Planning Authority a minimum of four weeks prior to the proposed date for the commencement of activity and been approved in writing by the Local Planning Authority. Thereafter, the mitigation works shall be carried out in accordance with the approved details.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.