

Site Address:

12/01468/F

**Heyford Park
Camp Road
Upper Heyford**

Application Description: Continued use of a section of the former flying field for the provision of driving experiences

Ward: The Astons and Heyfords

District Councillor: Councillor Mike Kerford-Byrnes and Councillor James Macnamara

Case Officer: Andrew Lewis

Recommendation: Approve

Applicant: Upper Heyford Lp

Committee Referral: Major

Committee Date: 18th December 2014

1. Site Description and Proposed Development

- 1.1 The application site for this proposal is part of the former RAF/USAF Upper Heyford base as identified on the appended site plan and with its curtilage measures approximately 12.07 hectares in size, the Heyford base being approximately 505 hectares in total.
- 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, first under temporary planning permissions latterly under a permanent permission granted on appeal and subsequent applications.
- 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.
- 1.4 This application is mainly within the Central Airbase character area, although it extends partly into the West Terminal character area of the Flying Field as defined within the Conservation appraisal. In the appraisal, the character of the Area is described as: "... 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 is 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."
- 1.5 The application proposes to use a strip of the main runway and taxiways for the purpose of driving a mix of vintage, performance or otherwise individual one off cars which are stored on site (building 337-the former fire station) when not in use. The office use for the business operates out of Building 3208 which already has permission for B1-Business Use. The hard stand area adjacent the building is used for visitor car parking. There is no need for any additional permanent structures, on the day bollards and signing is put out. The use has operated periodically over the last few years on the flying field in a variety of locations and at different days and times. A previous attempt to obtain a certificate of Lawful Use failed in 2012 and the

application was withdrawn (ref: 12/00633/CLUE)

- 1.6 The business operates from March to December and between the hours of 08.00-19.00.. It employs 7 staff, 5f/t and 2p/t although when on site there may be 20 contract staff. It has operated for some time at Heyford from different parts of the airfield but is now seeking to regularise the use albeit for a temporary period the reason for which is explained below.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 6th December 2012. No correspondence has been received as a result of this consultation process.

3. Consultations

- 3.1 Lower Heyford Parish Council: No objection subject to conditions on time, noise and temporary use
- 3.2 Upper Heyford Parish Council: No objections
- 3.3 Middleton Stoney Parish Council: No objections
- 3.4 Cllr Macnamara (on behalf of Troy Farm Cottages): concerned about noise of racing cars. Conditions required controlling noise, driving area, exhaust emissions, time limits, and temporary use.
- 3.5 Protected Species Officer; No objection to use of hardstandings
- 3.6 Anti-social Behaviour Manager: Subject to appropriate noise emission control and other conditions, no objection
- 3.7 Transport Development Control Manager: No objection in principle

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 2011 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:

C10 Historic Landscape
C23 Conservation Areas
C28 Design Considerations
TR7: Traffic on Minor Roads

Submission Cherwell Local Plan (January 2014)

The Submission Local Plan has been through public consultation and was submitted to PINs in January 2014. The Examination in Public (EIP) commenced in June 2014 although it was suspended. The EIP resumes on 9th December 2014. The Submission Local Plan does not yet have Development Plan status but is a material planning consideration. The Plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case:

- ESD16: The Character of the Built and Historic Environment
- Policy Villages 5-Former RAF Upper Heyford

Oxfordshire Structure Plan (OSP)

The Regional Strategy for the South East (Partial Revocation) Order 2013 revoked the South East Plan with effect from 25th March 2013. "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."

4.2 **Other Material Policy and Guidance**

National Planning Policy Framework-March 2012
Planning Policy Guidance

RAF Upper Heyford Conservation Appraisal 2006 (UHCA)

5. Appraisal

- 5.1 An outline application that 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)." was granted in 2010 following a major public inquiry. (ref 08/00716/OUT)
- 5.2 The permission with regard to the flying field was implemented but a subsequent second application was submitted for the settlement area. That permission for a new settlement was granted in December 2011 (ref 10/01642/OUT). The permission was in outline so details of layout, scale, appearance, landscaping and access (the reserved matters) have to be submitted within a period of six years.
- 5.3 The appeal and subsequent planning decisions have already been taken into account by the Council as part of its draft Local Plan and the development of former RAF Upper Heyford is seen as the major single location for growth in the District away from Banbury and Bicester. This seems a feasible

proposition as the outline permission is now in place.

- 5.4 Extensive discussions have been had during the processing of this application and a revised submission has recently been made that reduces the size of the area to be used by the driving experience and explains more about the operation and how its use is compatible with the historic nature of the flying field.
- 5.5 The key issues for consideration in this application are:
- The Principle of Development and Compliance with the Development Plan
 - Visual Impact, Heritage and the Conservation Area
 - Traffic Access and Highways
 - Impact on Residential Amenity
 - Nature Conservation

5.6 **The Principle of Development and Compliance with the Development Plan**

- 5.7 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.

- 5.8 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.
- 5.9 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 1,600 dwellings in addition to the 761 dwellings (net) already permitted...and necessary supporting infrastructure, including ...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). The draft policy goes on to say: “1,500 jobs will be created...” It also sets out a number place shaping principles including “The preservation of the stark functional character and appearance of the flying field...and ... Proposals must demonstrate that the conservation of heritage resources, landscape, restoration, enhancement of biodiversity and other environmental improvements will be achieved across the whole of the site identified as Policy Villages 5 ...”

Although this document may be material it is worth repeating it carries limited weight as yet.

- 5.10 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.
- 5.11 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.
- 5.12 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.
- 5.13 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. In this case the applicant employ 5 f/t and 2 p/t staff plus on event days an average of a further 20 people are employed on site.

Visual Impact, Heritage and the Conservation Area

- 5.14 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.
- 5.15 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.

- 5.16 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.
- 5.17 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.
- 5.18 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.
- 5.19 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.
- 5.20 In this case, the application site comprises a moderate part of the RAF Upper Heyford Conservation Area, but includes part of the historic core including part of the main runway. 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.
- 5.21 A heritage evaluation 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 will only operate for 43 days in any year and any structures erected with the use are removed thereafter. The proposals will therefore constitute “less than substantial harm” as set out in the NPPF (para 134,138).

- 5.22 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, day lighting 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
- 5.23 At the Inquiry the Council secured a number of important gains for the long term benefit of heritage on the flying field. These were set out in a Management Plan that was incorporated in to a Unilateral Undertaking. As a result the Developer is now obligated to provide greater public access on to and across the flying field so that walkers can use the new network of footpaths around Heyford and visitors can be given tours of the base and flying field.
- 5.24 Dealing first with the footpath, an old route going north-south, the Portway, will be reinstated to the west of the driving area, Users of this footpaths will have their enjoyment of the countryside effected to some extent but the sound of cars although visually they are unlikely to be so significant because the runway has a west-east axis and the wider views enjoyed will be of the Cherwell Valley to the west.
- 5.25 Planning permission has been granted for a new Heritage centre at Heyford Park from which tours of the base will operate. There is a clear conflict between the Driver Experience and the Heritage Tour route. However it is understood the tours are likely to be in the order of two weekends a month and with the sorts of controls that can be conditioned it is felt the two uses can mutually and beneficially co-exist. However, until the Tours are established it seems inappropriate to allow the Driver Experience to operate in an unfettered manner.
- 5.26 It is therefore considered that the use of the site for temporary periods of time, in 2014 this was for 43 days, will not cause substantial harm as it will have a potential temporary but not a permanent negative impact on the character and appearance of the Conservation Area, or on any nearby Listed Buildings and the Scheduled Monuments, thus protecting their significance in accordance with the guidance set out within the NPPF. The NPPF in para 134 advises that 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.” In this case, as well as securing what is considered to be the optimum viable use for the buildings and site area to which this application relates, the proposals also offer the opportunity for economic benefit in the form of the jobs associated with the operation and also an income to the landlords of the site which will allow for the continued protection and enhancement of the various heritage assets across the Conservation Area.
- 5.27 It is noted English Heritage do not object to this proposal.

Transport, Access and Highways

- 5.28 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.
- 5.29 Most cars are stored on site. A route is shown between their garage and the area to be used for driving. There will be a daily flow of participants but this should be no more than 45 in total. The Highway Authority has no objection in principle to the proposal.

Impact on Residential Amenity

- 5.30 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 driving and other activities have caused concern to residents in the recent past although not the current Driver Experience Operator. The current applicant is centrally located on the western end of the flying field and therefore some 500m away from the nearest residence on Somerton Road.
- 5.31 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. On site an issue has arisen over impact from traffic using the circulatory route around the edge of the site but in this case the route from the highway to facility is direct.
- 5.32 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. However, conditions have been drafted on noise levels and hours of operation, which should be effective and enforceable.

Nature Conservation

- 5.33 In addition to its value as a heritage conservation site it is also important for its ecology. A large area of the 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. However, as the activities will solely be on hard surfaced areas they should not be adversely affected.

Engagement

- 5.34 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

- 5.35 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, the policy of the emerging Local Plan

identifies the base as a development site. It is considered that there have been changes in circumstances particularly in national planning guidance, the assessment of the heritage value 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 has accentuated the weight to be given to development that contributes to building a strong, responsive and competitive economy.

- 5.36 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 add more jobs. It will have some adverse impact on the character and appearance of the Conservation Area although it will not alter the fabric of the base. Where there is an adverse impact this is sought to be mitigated by use of conditions. There will be limited impact on residential amenity and the small number of additional vehicle movements can be accommodated on the network.. So, in the officer's conclusion, the proposal could on balance be considered acceptable but only for a temporary period until the positive future for the historically important flying field is resolved.

6 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 At the expiration of 3 years from the date hereof the use specified in your application shall be discontinued and the land shall be restored to its former condition on or before that date.

Reason - To enable the Council to review the position at the expiration of the stated period, in order not to prejudice the consideration of future proposals for the land and/or in view of the special/personal circumstances of the case which are such as to override basic planning objections to the development in accordance with Policy C31of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 3 Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms and drawings numbered D0291_96C and no driving of vehicles shall take place on the flying field other than within the red line area shown on the plan.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

- 4 The operational use of the site shall take place on a maximum of 50 days in any calendar year, on more than two Saturdays per calendar month and shall not take place except between Wednesdays to Saturdays and between the hours of 08.00 and 19.00 unless otherwise previously agreed in writing with the Local Planning Authority.

Reason –To avoid conflict with the site’s role and function as a Heritage Site, in order to safeguard the amenities of the area and to comply with Policies C31 and ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

- 5 No more than 15 vehicles shall operate from the circuit at one time and at the expiration of each day’s activities all cars and other paraphernalia shall be removed from site or stored in a facility on site and no goods, materials, plant or machinery shall be stored, repaired, operated or displayed in the open without the prior express planning consent of the Local Planning Authority except when the Driving Experience is in operation.

Reason - In order to safeguard the amenities of the area and to comply with Policies C31 and ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

- 6 Vehicles using the main experience day’s circuit shall not exceed a noise level of 98 Db LA maxF when measured at a position 10 metres to the side of the main straight in a position to be agreed before any driving of vehicles commences.

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.

- 7 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

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.