

**MEMBERS' UPDATE
(ADDITIONAL INFORMATION)**

CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

12 June 2017

Dear Councillor

NORTH WESTERN AREA PLANNING COMMITTEE - MONDAY 12 JUNE 2017

Please find enclosed a Members' Update for the above meeting, containing further information from Officers in relation to the following item of business.

5. **FULMAL1601142 - Stow Maries Aerodrome, Hackmans Lane, Cold Norton**
(Pages 3 - 10)

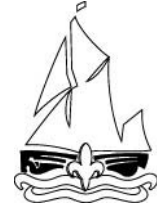
Yours faithfully

A handwritten signature in blue ink, appearing to read 'Fiona Marshall', enclosed within a large, hand-drawn oval.

Chief Executive

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**CIRCULATED AT
THE MEETING**



**REPORT of
CHIEF EXECUTIVE**

**to
NORTH WESTERN AREA PLANNING COMMITTEE
12 JUNE 2017**

MEMBERS' UPDATE – ADDITIONAL INFORMATION

AGENDA ITEM NO. 5

Application Number	FUL/MAL/16/01142
Location	Stow Maries Aerodrome Hackmans Lane Cold Norton Essex
Proposal	<p>Planning Application for operational arrangements for the use of the Airfield at Stow Maries Great War Aerodrome including hours of operation, restrictions on the number of take-offs and landings, and arrangements for Special Public Event days. The arrangements to be as follows:</p> <ul style="list-style-type: none"> • The airstrip to be used by fixed wing and propeller driven aircraft; helicopters, apart from emergency services machines, may only use the site in the event of emergency or during Public Event days • Take-offs and landings only after 08.00 hours and no later than either 20.00 hours, or sunset whichever is earlier • In the Winter months (November to April inclusive) there shall be no more than 25 landings and 25 take-offs per day • In the Summer months (May to October inclusive) there shall be no more than 25 landings and 25 take-offs on weekdays • In the Summer months (May to October inclusive) there shall be a maximum of 50 landings and take-offs per day at weekends and bank holidays apart from Special Public Event Flying days when maximum landings and take-offs are increased to 75 take-offs and 75 landings per day
Applicant	The Trustees - Stow Maries Great War Aerodrome Trust
Agent	Ms Sarah Threlfall - TMA Chartered Surveyors
Target Decision Date	24.01.2017
Case Officer	Yee Cheung, Tel: 01621 876220
Parish	COLD NORTON
Reason for Referral to the Committee / Council	Major Application Member Call In

1. ADDITIONAL INFORMATION

1.1 As highlighted in paragraph 5.2.1 (page 36) of the Officers report the potential for noise from the increase in landing and take offs from the site is one of the main reasons for objections by third parties and considerations for the determination of this

application. Concerns have been raised, predominately, in relation to noise generated by aircraft movement.

- 1.2 The site currently benefits from planning permission to function as an aerodrome subject to conditions. The most salient condition is condition 14 of planning application FUL/MAL/09/00250 which states:

There shall be no more than 12 aircraft movements (take offs and landings) undertaken from the site in any 24 hour period, subject to a maximum of 74 movements (take offs and landings) undertaken in any calendar month, and subject to a maximum of 360 movements (take offs and landings) undertaken in any calendar year, unless otherwise agreed in writing with the local planning authority for the purposes of public events.

REASON

To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy S2 of the adopted Maldon District Replacement Local Plan.

- 1.3 It must be noted that the Aerodrome is located in a remote part of the countryside at a distance from noise sensitive properties that is considered to substantially mitigate against any undue impact from noise and disturbance during landing and take-off. Furthermore, it is essential to remember that the site currently functions as an aerodrome and it is essential to consider the proposal against the fallback position and not against the principle of the use of the site as an aerodrome.
- 1.4 In support of the planning application, a Noise Report prepared by Sharps Gayler dated 10 March 2017 was submitted to the Council for assessment. The introduction sets out the current conditions and seeks to address the discrepancy and confusion caused by the change in terminology between what was originally proposed and the eventual wording of the Condition 14. This has formed the basis for comparing the likely impact of the increased activity proposed under the current application.
- 1.5 However, it transpires that the Elected Members when determining the application in 2009 imposed a condition on the permission that was more restrictive than that which had been requested. The condition imposed halved the number of aircraft movements originally requested and restricted flights to 12 movements per day (being take offs or landings). It is important to understand that whilst this may mean that some of the statements within the report are inaccurate it does not mean that the entire report is flawed. This is because the percentage increase in flight numbers is a misdemeanour as a percentage increase or a numerical increase in itself does not demonstrate demonstrable harm and that is the issue the planning considers. The reports assessment on the noise generated from the site if the application was allowed is considered to be the key point and the major consideration when determining this application.
- 1.6 So whilst the report outlines the current proposal, with Table 1 providing a summary of the required increase in activity and describes this as “broadly doubling the allowable movements per day during the Winter months and Summer weekdays and to quadruple the allowable daily movements on Summer weekends and Bank Holidays” it is still helpful in accessing the apparent impact of the application.

- 1.7 The noise assessment, in section 2, provides a summary of Government Policy and Practice in relation to noise impact and planning. Whilst section 3 looks at the relevance of the World Health Organisation “Guidelines for Community Noise” and the National Physical Laboratory’s interpretation of the guidelines. A more detailed assessment of these sections is contained within the Officers report.
- 1.8 Below the Lowest Observed Adverse Effect Level noise can be heard, but does not cause any change in behaviour or attitude. It can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life. No specific noise measures are required i.e. we should not attempt to control by condition.
- 1.9 In respect of the proposed increase to 50 and 100 movements per day, the Environmental Health Team is broadly satisfied that the proposed Lowest Observed Adverse Effect Level (LOAEL) is appropriate method for assessment. Evaluation, contained within the noise assessment, of the predicted noise levels show that at up to 100 movements per day the LOAEL of 50dB LAeq 12hr is not exceeded at any property in the vicinity of the airfield, with the highest effect being 45dB at Edwins Hall from 50 movements, rising to 48dB with 100 movements.
- 1.10 It is therefore, not considered that the use of the site for 100 movements per day will result in such a degree of harm as to warrant a reason for refusal or any additional mitigation.
- 1.11 The Environmental Health Team had extrapolated the aircraft noise emission data from the consultant’s calculations to reflect the potential 150 movements per day, which would be a worst case scenario based on the numbers proposed. It is also necessary to note that there is also the potential for additional aircraft to undertake flybys on “Special Public Event Flying Days” which will add to the noise generated from the site. Any public events without flying displays is not considered to be likely to result in any demonstrable increase above that of the limited 100 movements. However, concern is raised that potentially the LOAEL may be exceeded on “Special Public Event Flying Days” if the full 150 movements were taken advantage of alongside a number of flybys. With this in mind it is considered reasonable to limit the number of worst case scenarios possible.
- 1.12 Whilst it is accepted and noted that the noise assessment has been undertaken on the incorrect interpretation that there are 24 movements per day it is not considered that this fundamentally flaws the report or the ability of the Council to determine the planning application. The Council has assessed the planning application on the noise generated from the proposed number of aircraft movements, not on the percentage increase, and considered the demonstrable harm from the proposed level of aircraft movements.
- 1.13 Under the original planning application in 2009, FUL/MAL/09/00250, there was a condition that restricted the number of public events. This is not considered to be necessary as the noise and disturbance from the site will come directly from aircraft movements. With the exception of the dwelling on the aerodrome the distance from adjoining dwellings would mitigate against demonstrable harm from reasonable activities. It is important to note that Government guidance is that planning can only be used to control planning issues and when there are other bodies that have more

appropriate legislative powers these should be used to manage situations. If there were any issues due to noise from ground based activities such as public events or works to aircraft these could be resolved through Environmental Health's powers.

- 1.14 The Council's Coast and Countryside Officer was consulted as part of the application process and has requested a condition in relation to the submission of a Preliminary Ecological Appraisal and this is suggested within the amended recommendation below.
- 1.15 It should also be noted that this application is for full planning permission and not an application to vary any previous permission. Therefore, there is no need to repeat conditions imposed in 2009 that are not directly relevant or affected by the granting of this permission. It is recommended that an informative is included that highlights this to the applicant.

2. PROPOSED CONDITIONS INCLUDING HEADS OF TERMS OF SECTION 106 AGREEMENT (PAGES 57 – 60)

- 2.1 Any changes are shown in **blue** below.

APPROVE subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and conditions as detailed below.

Heads of Terms of Section 106 Agreement

- A. Within 2 months of the resolution to grant planning permission in the terms specified in the 2016 Planning Application SMGWA will, in discussion with Maldon District Council and other interested parties set up an Aerodrome Consultative Committee in accordance with current DoT Guidelines on Aerodrome Consultative Committees (ACC).
- B. SMGWA will, through the mechanism of the ACC adopt a revised Standard Operating Procedure to optimise flight paths and other procedures to minimize aircraft noise disturbance from flight operations at the Aerodrome.
- C. SMGWA will, through the mechanism of the ACC, adopt a PPR procedure which will more effectively control the flight paths to be used by visiting pilots which will provide for the banning from use of the Aerodrome by pilots who do not comply with the adopted procedure.
- D. SMGWA will, through the mechanism of the ACC, adopt a similar procedure for homebased and display pilots to comply with Standard Operating Procedures which will provide for the banning of pilots who do not comply with the adopted procedure.

PROPOSED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 The development hereby permitted shall not be implemented until the Aerodrome Consultative Committee has met for the first time.
REASON: To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.
- 4 The site access on Hackmans Lane at its centre line shall retain a clear to ground visibility splay with dimensions of 2.4 metres by 180 metres in each direction, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall remain free of any obstruction at all times.
REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy T2 of the Maldon District Replacement Local Plan, policy T2 of Maldon District Local Development and the National Planning Policy Framework
- 5 The public's rights and ease of passage over footpaths no 243_3 and 243_5 (Cold Norton) and bridleway no 243_7 (Cold Norton) shall be maintained free and unobstructed at all times.
REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance policy T2 of the Maldon District Replacement Local Plan, policy T2 of Maldon District Local Development and the National Planning Policy Framework.
- 6 The airstrip is only to be used by fixed wing propeller driven aircraft. Gliders and Helicopters, other than emergency service or military aircraft, shall not be permitted to use the airfield except in emergencies or during "Special Flying Event Days".
REASON: To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.
- 7 Except in an emergency, no take offs or landings shall be permitted before 08:00 hours on any day or after 20:00 hours or sunset whichever is earlier.
REASON: To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.

- 8 In the Winter months of November to April inclusive there shall be no more than 25 landings and 25 take offs per day.
REASON: To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.
- 9 In the Summer months of May to October inclusive there shall be no more than 25 landings and 25 take offs per day on weekdays.
REASON: To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.
- 10 Notwithstanding “Special Flying Events”, in the Summer months of May to October inclusive there shall be no more than 50 landings and 50 take offs per day on Saturdays, Sundays and Bank Holidays.
REASON: To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.
- 11 Notwithstanding the limitation imposed through Condition 8, during the Summer months of May to October inclusive there shall be no more than 4 “Special Flying Events”. No “Special Flying Events” may last more than three days. During any “Special Flying Events” there shall be no more than 75 landings and 75 take offs per day or a total of 300 landings and 300 take offs during the entire “Special Flying Events”.
REASON: To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.
- 12 A record of all flying activity and aircraft based at the site shall be maintained by the airfield operator and made available in a suitable format for inspection and copying by the Local Planning Authority at any reasonable time. Such record shall include dates, times, description of activity, aircraft type and details of any public complaint associated with the flight movement.
REASON: To allow the activity at the site to be monitored, to protect the amenities of the occupants of nearby dwellings and the amenity of the countryside in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.
- 13 Aerobatics will only be permitted on “Special Flying Events” with Civil Aviation Authority (CAA) approval.
REASON: In the interest of safety to allow the activity at the site to be monitored, to protect the amenities of the occupants of nearby dwellings and the amenity of the countryside in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.

- 14 No flying school flying activities or other commercial training flights shall operate from the site.
REASON: To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.
- 15 No charter or fare paying flights shall operate from the airfield.
REASON: To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.
- 16 On the first anniversary of the approval and every two years thereafter the applicant shall demonstrate to the satisfaction of the Local Planning Authority using actual flight records that the LOAEL of 50dB LAeq 12hr has not been exceeded at any property in the vicinity of the airfield except during any “Special Flying Event”. In the event that an exceedance is identified the applicant shall prepare and implement a noise reduction plan to further control the number and or type of aircraft using the airfield such as the 50dB LAeq 12 hour is not exceeded at any noise sensitive property.
REASON: To allow the activity at the site to be monitored, to protect the amenities of the occupants of nearby dwellings and the amenity of the countryside in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.
- 17 There shall be no more than 8,000 aircraft movements in any one calendar year.
REASON: To protect the amenities of the occupants of nearby dwellings and the amenity of the countryside for all in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.
- 18 A site specific Preliminary Ecological Appraisal (PEA) shall be submitted to the Local Planning Authority for agreement. The requirements of the Preliminary Ecological Appraisal shall be undertaken prior to the implantation of the development hereby approved and retained in perpetuity.
REASON: To ensure that species are protected on site in accordance with policy CC5 of the adopted Maldon District Replacement Local Plan, policy N2 of Maldon District Local Development and the National Planning Policy Framework.

INFORMATIVES

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the specifications of the Highway Authority; details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:-

SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road,
Chelmsford, CM2 5PU.

This application relates to the number of aircraft movements and alterations to the
vehicular access to the site from Hackmans Lane and does not replace
FUL/MAL/09/00250. All other conditions imposed under application
FUL/MAL/09/00250 remains in perpetuity.