



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
NORTH WESTERN AREA PLANNING COMMITTEE
29 October 2018

Application Number	FUL/MAL/17/01071
Location	Stow Maries Aerodrome Hackmans Lane Purleigh Essex
Proposal	Variation of conditions 13 & 14 on approved planning permission FUL/MAL/09/00250 (Re-instatement of airfield and erection of 2 x no. aircraft hangars to match former buildings on site)
Applicant	The Trustees Stow Maries Great War Aerodrome
Agent	TMA Chartered Surveyors
Target Decision Date	4 September 2018
Case Officer	Yee Cheung
Parish	COLD NORTON
Reason for Referral to the Committee / Council	Member Call In by Councillor Miss S White on the grounds of public interest

1. REASON FOR ITEM BEING BEFORE COMMITTEE

- 1.1 At the North West Area Planning Committee of 03 September 2018 the committee resolved to approve the application to vary conditions 13 and 14 of planning permission FUL/MAL/09/00250 (original report attached at **APPENDIX 1**)
- 1.2 Although the applicant sought the amendment of former condition 13, now condition 11, to allow an annual total of 4200 flights, the North Western Area Planning Committee resolved to amend a suggested condition to allow a maximum of 3000 flights. The reasoning for reducing the number of flights was to ensure that the use of the site for the approved purposes would not cause an unacceptable amount of disturbance, in the interests of protecting the amenities of residents within the vicinity of the site and the general amenity of the countryside.
- 1.3 In light of this decision, Officers reviewed the documentation and realised that the Unilateral Undertaking that had been prepared pursuant to Section 106 of the Town and Country Planning Act 1990, would not have been binding as sub-section 1 of paragraph 1 of the Second Schedule stated “Within 2 months of the date of the issue of a planning consent in the terms of the Application.” Having sought legal advice it has been deemed that the planning consent would not have been on the same terms as had been set out within the submitted application.
- 1.4 Officers have therefore approached the applicant to seek the submission of a Unilateral Undertaking that reflects the resolution of the North Western Area Planning Committee.

- 1.5 Prior to issuing the decision, Officers wish to seek confirmation from the North Western Area Planning Committee that the approval is subject to the agreement of a Unilateral Undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 to deliver the items that are set out at Section 9 of the report below. This was not entirely clear from the recommendation that was provided previously.
- 1.6 For the avoidance of doubt, all conditions of the planning permission shall be as set out below.
- 1.7 At the time of writing, an updated Unilateral Undertaking has not been completed and therefore the corrected recommendation shall be as follows:

2. RECOMMENDATION

APPROVE subject to the conditions set out below and the completion of a satisfactory Unilateral Undertaking to deliver the mitigation measures as detailed in Section 8 of the original report.

- 1 The development shall be carried out in accordance with the following approved plans and documents: Drawing Nos 08/1002/31, 08/1002/22 and 08/1002/30 that are attached to planning application FUL/MAL/09/00250; Location Plan: TMA/734/01 Revision B; Noise Impact Assessment dated 20 September 2017; and Habitat Regulations Assessment Screening Report dated 13 April 2018.
REASON To ensure that the development is carried out in accordance with the details approved.
- 2 The external surfaces of the two hangars hereby approved shall be constructed of materials and finish as detailed on Drawing Nos 08/1002/31, 08/1002/22 and 08/1002/30 as submitted with planning application FUL/MAL/09/00250.
REASON To ensure the external appearance of the development is appropriate to the conservation area in accordance with policy D3 of the Maldon District Local Development Plan.
- 3 No development related to the construction of the hangars approved by the permission, including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents, the owner of the site or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in a manner that accommodates the agreed programme of works.
REASON To protect the site which is of archaeological interest in accordance with policy D3 of the Maldon District Local Development Plan.
- 4 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 as a minimum contain dates, times, aircraft type, description of activity including runway in use and details of any public complaint associated with the activity.

In pursuant to the above, on the first anniversary of this approval and every two years thereafter, the applicant shall demonstrate to the satisfaction of the Local Planning Authority, through the submission of a report from a competent person and 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 on “Special Public Flying Events”. 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 that the 50dB LAeq 12hr 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 policies S1, D1 and D2 of the adopted Maldon District Local Development Plan.

- 5 There shall be no more than 15 aircraft in a flight worthy condition kept at the site at any one time.

REASON To ensure that the intensification of activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policies S1, D1 and D2 of the adopted Maldon District Local Development Plan.

- 6 The type of aircraft using the airstrip for take-off and landing purposes shall be limited to fixed wing, single propeller driven aircraft.

REASON To ensure that the activities at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policies S1, D1 and D2 of the adopted Maldon District Local Development Plan.

- 7 No helicopters (unless in the event of an emergency), microlights, gliders or hot air balloons shall be flown or land upon the site.

REASON To ensure that the activities at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policies S1, D1 and D2 of the adopted Maldon District Local Development Plan.

- 8 Aircraft shall only take off or land at the site during the following hours:-

- October to March (inclusive) - 08.00 hours to sunset or 20.00 hours, whichever is the earlier
- April to September (inclusive) - 08.00 hours to 20.00 hours

REASON To ensure that the activities at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policies S1, D1 and D2 of the adopted Maldon District Local Development Plan.

- 9 No flying school activities or other training flights shall operate from the site.

REASON To ensure that the activities at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policies S1, D1 and D2 of the adopted Maldon District Local Development Plan.

- 10 No more than 4 public events which include a programme of flying displays (to be known as ‘Special Public Flying Events’) shall take place in any calendar year. Such events shall not exceed 2 consecutive days. Such events shall be organised in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

- REASON To ensure that the activities at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policies S1, D1 and D2 of the adopted Maldon District Local Development Plan.
- 11 There shall no more than 3,000 aircraft movements (defined as a take-off OR landing) undertaken from the site during any one calendar year (1 January - 31 December). This annual limit to be subject to a daily limit, in any 24 hour period, of 30 movements (15 take-offs and 15 landings), apart from days on which Special Public Flying Events take place when the movement limit shall be 120 movements (60 take-offs and 60 landings).
- REASON To ensure that the activities at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policies S1, D1 and D2 of the adopted Maldon District Local Development Plan.
- 12 No charter or fare paying flights shall operate from the airfield.
- REASON To ensure that the activities at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policies S1, D1 and D2 of the adopted Maldon District Local Development Plan.
- 13 An investigation and risk assessment, in addition to any assessment provided with the planning application in relation to the hangars, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing from the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- (a) a survey of the extent, scale and nature of contamination;
 - (b) an assessment of the potential risks to human health, property, controlled waters and the environment;
 - (c) an appraisal of the remedial options, and proposal of preferred option(s).
- REASON To prevent the undue contamination of the site in accordance with Policy D2 of the Maldon District Local Development Plan.
- 14 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority prior to the construction of the hangars. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- REASON To prevent the undue contamination of the site in accordance with Policy D2 of the Maldon District Local Development Plan.
- 15 The approved remediation scheme must be carried out in accordance with its terms prior to the construction of the hangars other than required to carry out remediation, unless otherwise agreed in writing by the Local Planning

Authority. The Local Planning Authority must be given two weeks written notification of the commencement of the remediation schemes works. Following completion of measures identified in the approved remediation scheme a verification report (also known as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and is subject to approval in writing of the Local Planning Authority.

REASON To prevent the undue contamination of the site in accordance with Policy D2 of the Maldon District Local Development Plan.

- 16 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 13 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 14 which are subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation a verification report must be prepared in accordance with the requirements of condition 15, for approval in writing of the Local Planning Authority.

REASON To prevent the undue contamination of the site in accordance with Policy D2 of the Maldon District Local Development Plan.