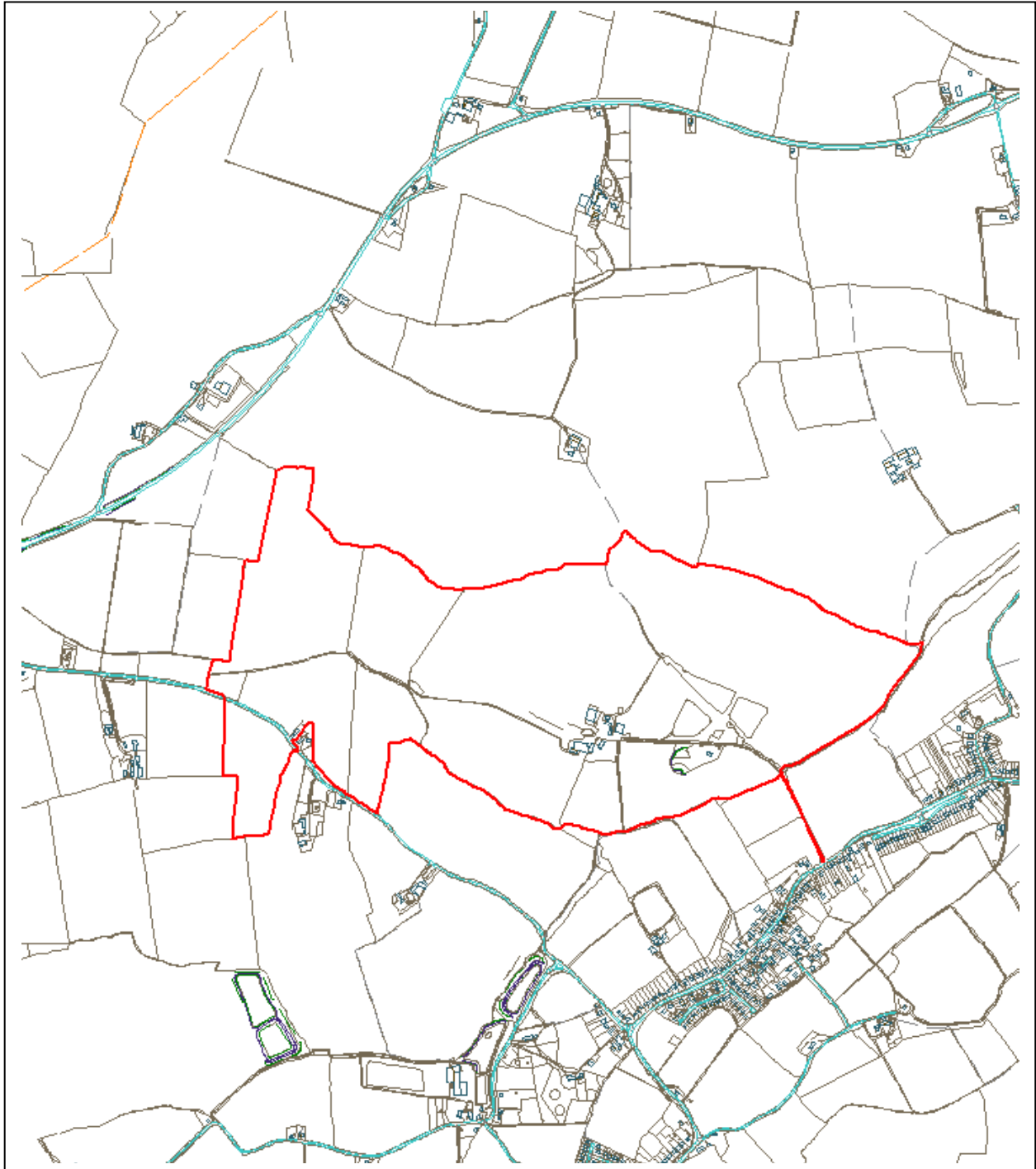


PLANNING COMMITTEE

4 DECEMBER 2012

REPORT OF THE HEAD OF PLANNING

A.4 PLANNING APPLICATION - 12/00405/FUL - AIRSTRIP AND PREMISES, GREAT OAKLEY LODGE, HARWICH ROAD, GREAT OAKLEY, CO12 5AE



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Application:	12/00405/FUL	Town / Parish: Great Oakley Parish Council
Applicant:	Mr T Spurge	
Address:	Airstrip and Premises, Great Oakley Lodge, Harwich Road, Great Oakley, CO12 5AE	
Development:	Variation of condition 5 of planning permission T/APP/P1560/A/94/435398 to allow helicopters to operate from the aerodrome.	

1. Executive Summary

- 1.1 The application proposes variation of a condition to allow use of the airfield by helicopters. It does not seek to increase the numbers of daily or annual take-offs permitted from the airfield. The NPPF and local planning policy seek to balance the needs of business with protecting against significant undue effects. Your Officers consider that the central issue is the impact upon the locality (people and place) of noise disturbance which may be caused by helicopters using the airfield. They consider that the impacts of occasional use by helicopters would be limited and that the proposal can be made acceptable by the imposition of conditions. They do not consider that the refusal of planning permission would be sustainable at an appeal.

Recommendation: Approve

Conditions:

1. 3 year time limit
2. Scheme for helicopter landing/take-off area to be approved
3. No helicopters to be based permanently at the airfield
4. Airfield not to be used as a base for helicopter servicing
5. No more than 3 helicopters to use the airfield at any one time
6. No more than 3 helicopter take-offs per day in total
7. No take-offs or landings between the hours of 21.00 – 08.30
8. Notification of any emergency use
9. Accessible flight log to monitor movements
10. Use by helicopters to accord with protocol in Pilot Handbook
11. Flight paths to be displayed in club house
12. Removal of permitted development rights
13. No helicopter/gyroplane flying training
14. Limit on size/type of helicopters

Reason for approval

The grant of planning permission to allow use of the airfield by helicopters will help to support business, in addition to being of wider public benefit, including health and safety by providing a designated landing area with access to refuelling, including for the police helicopter and air ambulance and rest facilities for pilots, away from any major area of population. The controlled use of the airfield by helicopters will help to ensure that local amenities and residential and other environmentally sensitive areas nearby are better protected from possible noise and disturbance, by the imposition of planning conditions.

2. **Planning Policy**

National Policy:

National Planning Policy Framework (2012)

Regional Planning Policy:

East of England Plan (2008)

SS1 Achieving Sustainable Development

E4 Clusters

T12 Access to Airports

Local Plan Policy:

Tendring District Local Plan (2007)

QL7 Rural Regeneration

QL11 Environmental Impacts and Compatibility of Uses

ER16 Tourism and Leisure Uses

COM22 Noise Pollution

EN11a Protection of International Sites: European Sites and Ramsar Sites

EN11b Protection of National Sites: Sites of Special Scientific Interest, National Nature Reserves, Nature Conservation Review sites, Geological Conservation Review sites

EN11c Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphologic sites

TR1a Development Affecting Highways

TR10a General Aviation

Tendring District Local Plan Proposed Submission Draft (2012)

PRO15 The Rural Economy

SD9 Design of New Development

PRO7 Tourism

PLA4 Nature Conservation and Geo-Diversity

COU7 Farm Diversification

3. Relevant Planning History

The start of flying activity

- 3.1 The applicant began flying activity from the site in July 1992, when he completed the construction of a self-assembly single-engine aeroplane and an area of set-aside grassland was prepared as an airstrip. In May 1993, two other light aircraft flew in and were based at Great Oakley Lodge until planning permission was refused in October 1993, under ref. 93/00773/FUL, after which time they moved away and the applicant's aircraft was put into storage.

The original planning permission

- 3.2 In August 1994, temporary planning permission for "Continued use of grassland for purposes of recreational flying and as a base for three light aircraft, use of caravan for meteorological equipment and safety equipment" was granted on appeal (Planning ref. 93/00773/FUL & Appeal ref. T/APP/P1560/A/94/435398), for the period up to January 1996. In allowing the planning appeal and quashing the related enforcement notice, the Appeal Inspector imposed seven conditions. Although, from the Inspector's decision letter, the reason for the temporary period was clearly to allow the noise impact of the use to be assessed more calmly, the precise reasons for the remaining 6 conditions are not specified and are unclear. Those conditions appear to be based largely upon accommodating the applicant's proposal, excluding any not-applied-for wider uses, including flying training and by helicopters, rather than any evidence that wider uses would be harmful. The Council's concerns at that time were that the use of the land for general flying by three light aircraft had an unreasonable impact on the locality by reason of noise, nuisance and loss of amenity caused by low flying aircraft in close proximity to residential property.
- 3.3 The Appeal Inspector's opinion was that the central issue at that time was "whether the continued use of the airstrip on the scale proposed is likely to cause undue disturbance by reason of noise and intrusion to the quiet enjoyment of the occupiers of dwellings in the neighbourhood". In allowing the appeal, the Inspector therefore accepted that there would be a degree of disturbance from flying activity but that this would not amount to *undue* disturbance.

Summary list of subsequent related planning permissions

November 1995 - permanent renewal of temporary planning permission (95/01206/FUL).

December 1996 - to allow up to 4 aeroplanes to be based at the airfield (96/01267/FUL).

December 1998 – vary conditions 3 and 4 of the original planning permission (98/01284/FUL) to allow 5 take-offs/day and 10 aeroplanes (until 31 December 1999).

November 1999 - to allow the number of take-off movements to be increased from 5 to 10 in any one day (99/01430/FUL) (until 31 December 2001).

April 2001 – variation of planning condition 3 of 99/01430/FUL to allow up to 10 take-off movements in any one day on a permanent basis (01/00319/FUL).

February 2003 – change of use of agricultural land to use as grass airstrip for private flying (second runway) (02/02235/FUL). No more than 10 take-offs/day in total and 10 aeroplanes.

January 2006 - to allow a maximum of 30 take-offs in any one day; visiting aircraft to land and take off (not only those 'based' at the site); and gliding to take place on 3 days per year (05/001152/FUL). No more than 3650 take-offs/year. No more than 30 aircraft based at airfield.

January 2006 – building for aircraft storage (05/01153/FUL).

January 2006 – use of building for aircraft support room (05/01154/FUL).

June 2006 – to allow additional flights (in excess of 30 per day) on special occasions (06/00770/FUL).

Unauthorised use by helicopters

- 3.4 The applicant has submitted supporting letters as evidence of the value to business of such a facility at Great Oakley Airfield. Although the unauthorised use by helicopters has ceased, the evidence is that such use was occasional and short-term.

4. Consultations

Great Oakley Parish Council:

- 4.1 Request that consideration is given to the inclusion of an appropriate noise limit at the boundary of the airfield for take-offs and landings.

Little Oakley Parish Council:

- 4.2 Original comment: Neutral but ask that if planning permission is granted conditions be attached - no more than 1 helicopter per day on average and no helicopters at weekends or bank holidays.
- 4.3 Revised comment: Neutral.

Wrabness Parish Council:

- 4.4 Comment: Flight path is over village – more aircraft would mean greater nuisance; would like to know capacity of aerodrome; helicopter noise louder and more annoying than light aircraft; and no indication of number of flights proposed.

Public Experience (Environmental Health):

- 4.5 Discussed requirements for Environmental noise assessment with applicant's acoustic consultants.
- 4.6 Attended site for part of consultant's noise assessment and carried out independent surveys of existing noise climate of area at six different locations relevant to the proposal.
- 4.7 Has scrutinized Environmental noise assessment submitted by applicant.
- 4.8 Considers the World Health Organisation (WHO) guidelines are most appropriate for this proposal. Noise levels do not exceed WHO guidelines for moderate and serious annoyance.
- 4.9 Concludes from acoustic consultant's report and own findings that proposal would not detrimentally affect residential properties and given current mitigation in restriction on take-

offs (30 per day) impacts on health and quality of life are minimized, thereby avoiding any significant adverse effects.

Regeneration:

- 4.10 Support for proposal based upon potential to enhance offer. Evidence of being able to attract users. Recognise that helicopters play vital role in support for wind energy sector – a key business opportunity for Tendring economy.

Highway Authority:

- 4.11 No objection subject to warning signs for footpath users to be provided.

Natural England:

- 4.12 Original comment: Objection – Natura 2000 site and SSSI impact. Appropriate Assessment needed ('Holding objection' pending reconsideration following additional information).
- 4.13 Revised comment: Satisfied that any adverse effects on Natura 2000 site should be avoided - Appropriate Assessment not needed. Also, that revised proposal should not damage any SSSI. Reference to map to identify 'areas to avoid' by pilots and related condition requirement.

RSPB:

- 4.14 Original comment: Object. Risk of increased disturbance to birds. Appropriate Assessment needed.
- 4.15 Revised comment: Withdraw objection following further information, subject to suitable planning conditions. Important that pilots follow flight routes shown on map to avoid designated sites.

National Air Traffic Services:

- 4.16 No safeguarding objections.

5. Representations

- 5.1 At the time of writing this report:

306 objections had been received, in total, raising various concerns which are summarised mainly as follows:

- Noise impact;
- Safety issues;
- Impact upon natural environment;
- Impact upon wildlife particularly birds;
- Ineffectiveness of planning controls;
- Planning conditions ignored;
- Helicopter landing pads nearby at Dovercourt and Harwich;
- Business people visiting Harwich Port should/would land there;
- Pollution;
- Original limits should be maintained – changes may lead to further expansion;
- Apache helicopters practice manoeuvres and land and take off from airfield;
- Object to expansion;

- Adverse impact upon Stour Valley and Dedham Vale AONB and Babergh District;
- Question ability to control flight paths; and,
- Loss of privacy.

(For information: most objections come from residents of Great Oakley but some come from smaller villages nearby and a smaller number from other parts of the district, county and country. Many objections received recently are pro-forma types, using either a 'standard' wording or forms).

5.2 A petition had also been submitted which contains 251 signatories objecting.

(For information: few signatories give complete addresses. Most would appear to be residents of Great Oakley with some from other villages nearby and a smaller number from other parts of Tendring District)

5.3 Some representations have asked that if planning permission is granted, conditions are imposed to minimise the impact.

5.4 15 representations had been received in support of the proposal; key points are summarised as follows:

- Fully support application;
- Proposal good for village and local economy;
- Live in centre of village and have not noticed any problems with noise;
- Expansion may provide local employment and help viability of local shop;
- Airfield is set back from village with flight paths almost exclusively over fields thereby removing safety hazards and minimising any noise nuisance;
- Important asset to area;
- Development has been low-key and environmentally-friendly;
- Landscape is unaffected;
- Helicopters will provide wide direct access from across the country;
- Local community would benefit; and,
- Helicopter use should be promoted.

5.5 8 separate representations had been received making observations.

6. **Assessment**

6.1 The application supporting letter, written by the applicant's professional agent - an Aviation Planning Consultant, considers that use of helicopters for general aviation has increased nationally over recent years and that helicopters have an important short distance role "which benefits local users, businesses, tourist attractions and the local economy". He considers further that:

6.2 "The occasionally used helicopter facility at GOA is important to the businesses of the Port of Harwich and also benefits the security and health of the local population, by providing transit and refuelling facilities for the police helicopters and those from the various air ambulance services. Nationally important activities such as the aerial inspection of gas pipelines, national grid electricity lines and off shore wind turbine farms are further examples of helicopters which are important to the general community. By the provision of air traffic and fuel supply facilities at GOA, the safety of local air traffic would be enhanced. It would avoid helicopters having to use unsupervised sites in poor locations." and

6.3 "The concept of routing via aerodromes is a recognised means of enhancing the safe operation of helicopters by allowing them to refuel when necessary, by splitting the journey

for crew resting, and by adopting prescribed routes away from noise sensitive development such as hospitals, schools, town centres, workplaces and homes. Helicopters should be routed where there are fewest people, and inevitably this means rural rather than urban routes.”

National Planning Policy Framework (NPPF)

- 6.4 The NPPF gives advice on promoting sustainable transport and paragraph 33 states that when planning for airfields, “plans should take account of their growth and role in serving business, leisure, training and emergency service needs”.
- 6.5 The Tendring District Local Plan: Proposed Submission Draft (2012) was published for public consultation on 9 November 2012 and any representations made will be subject to assessment prior to its formal examination next year. Members are advised that it can be given little weight at this stage.
- 6.6 The NPPF includes advice on noise, including paragraph 123, which states, among other things, that “Planning policies and decisions should aim to: avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; ... [and] recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established”.
- 6.7 The NPPF recognises that businesses will often create noise and makes clear that noise should be avoided which gives rise to *significant* (emphasis added) adverse effects. In other words, the government accepts that some adverse effects may arise. In order to justify the refusal of planning permission on noise grounds, it would therefore be necessary to demonstrate, convincingly, not just that there were concerns over noise, but that *significant adverse effects* would result. There is a need to weigh up not imposing unreasonable restrictions against ensuring that there would be no significant adverse impacts.

Local Planning Policy

- 6.8 The main planning issues concern the acceptability of the proposal having regard to the provisions of the Development Plan; in particular the Adopted Tendring District Local Plan (2007) ‘saved’ Policy TR10a – General Aviation. This sets out seven criteria against which the application should be assessed and these are considered, in turn, below. As the supporting text to the policy refers specifically to the airfield at Great Oakley, the text and the policy are reproduced below in full, for ease of reference (although the Development Plan should be considered as a whole):

General Aviation

7.44a *Within the District there are currently two small airfields/airstrips, one at Clacton-on-Sea and one at Great Oakley. Aviation activities can contribute to national, regional and local economies and airfields are therefore important in that context. At the same time, the use of airfields can raise difficult environmental issues and careful consideration is necessary to strike the right balance between potentially conflicting interests.*

7.44b *The two airfields in the district operate on a small scale with the principal function in the broadest sense being ‘recreational’. The Council does not consider it appropriate that this situation should change and it is therefore unlikely that planning permission will be granted for any activities that would have that effect.*

7.44c Development proposals for airfield/airstrip related activities will be judged in relation to the economic, environmental and social impacts that are likely to arise. These are potentially very varied. The Council will therefore expect applications for planning permission to be sufficiently detailed so that a proper appreciation of the potential environmental effects can be gained.

7.44d Some development proposals may also require an Environmental Impact Assessment and all proposals may have conditions imposed on them to limit:

- *the environmental impacts of aviation activities;*
- *the number of take-off and/or touch-and-go movements (normally on a daily basis);*
- *the types or weights of aircraft to be operated; and*
- *the hours of operation of the site.*

7.44e In view of the different locations and geographical circumstances of the two airfields/airstrips it is difficult to draft detailed prescriptive policies that can be applied to both sites. Whilst the criteria set out in TR10a are intended to provide a broad framework within which proposals will be considered, there may be other material considerations that would be relevant to a specific planning application.

Policy TR10a – General Aviation

Proposals for new development relating to any existing operational airfield or proposals to establish a new flying site will be considered on their merits having regard to the following criteria:

- a. **Air travel needs of residents, business and air sports users;**
- b. **The economic and employment advantages arising to local and regional businesses;**
- c. **The impact upon public health and safety and residential and other noise sensitive properties in the immediate vicinity (i.e. under flight paths and circuits) by virtue of noise and disturbance;**
- d. **The impact on environmental and nature conservation interests;**
- e. **The impact on the landscape such as visual amenity and lightening;**
- f. **The accessibility of the site in relation to transport; and**
- g. **Development proposals will not be allowed where they would compromise the existing use of the districts' airfields or airstrips.**

a) Air travel needs of residents, business and air sports users;

- 6.9 It is a Council priority to support the needs of local business and granting planning permission could also provide additional air travel opportunities for local residents. The proposal does not include air sports use and planning condition restrictions on the number of helicopters landing, take-offs and size/type permitted would help to safeguard against undue or significant disturbance.

- 6.10 The application supporting letter states that the occasionally used helicopter facility at the airfield benefits the security and health of the local population by providing transit and refuelling facilities for police helicopters and the air ambulance. The availability of the airfield for use by helicopters is described as enhancing the safety of local air traffic as it would avoid them having to use unsupervised sites in less suitable locations.
- 6.11 As evidence of the value to business of the availability of the airfield as a helicopter facility, letters of support accompany the application, including from Hutchison Ports (UK) Ltd. and three businesses providing helicopter services, from: Blackbushe Airport, Camberley, Surrey; Leeds International Airport, West Yorkshire; and Gloucestershire Airport, Cheltenham. These letters explain that the airfield has enabled improved access to meetings in the Harwich area and to offshore windfarm development.

b) The economic and employment advantages arising to local and regional businesses;

- 6.12 It is a Council priority to support the needs of local businesses. Helicopters using the airfield would be based permanently elsewhere but the ability to use the airfield would bring some benefits in terms of access for employers and granting planning permission would be consistent with this aim. This proposal is one of relatively few schemes that is proposing investment in a development that could support existing employment uses and their development.
- 6.13 In addition to the benefits to the airfield of being able to accommodate helicopters, the economic and employment advantages of the proposal can be considered in terms of the benefits to local businesses which may result. The application supporting letter states that the occasionally used helicopter facility at the airfield is important to the businesses of the Port of Harwich and the development and operation of offshore wind-farms locally is another business linkage identified.

c) The impact upon public health and safety and residential and other noise sensitive properties in the immediate vicinity (i.e. under flight paths and circuits);

- 6.14 Public health and safety in this context includes considerations of noise impact and also the additional use of the airfield by helicopters, including having regard to the public footpath which crosses the farm. The proposed helicopter landing area is to be sited away from the footpath, to the west of the main group of buildings, whereas the footpath runs to the east of the buildings. A large number of objections have been received citing noise as a major local concern. To inform consideration of this issue, an Environmental Noise Assessment has been submitted and the Council's expert has provided advice.
- 6.15 The Environmental Noise Assessment concludes that "i) the noise emissions from the airfield are, and would remain, low relatively to acknowledged thresholds; and ii) the change in the aggregate noise level as a result of the [individual or combined] application proposals would not be perceptible." Furthermore "On this basis we conclude that the noise impact that would result from the proposals would be low and not "significant" – the test within the recently released NPPF."
- 6.16 The Council's Environmental Health Officer considers that the World Health Organisation's guidelines on noise are relevant. He has scrutinized the submitted noise assessment and has carried out his own noise assessments on site. He does not consider that the noise levels resulting from the proposed use would be harmful to public health or detrimentally affect residential properties; given the restriction in numbers of take-offs impacts are minimised any significant impacts will avoided, thereby satisfying the aims of the NPPF.

- 6.17 Noise from flying activities is not constant, nor fixed in terms of location, and aircraft of different types from other locations may also fly overhead. Whilst noise from helicopters differs from that of fixed-wing light aircraft and helicopters are designed to be able to hover, in practice they would arrive, land and take-off and depart in relatively short periods of time, thereby minimising any such local noise disturbance in that sense.
- 6.18 Some overflying of this part of the district may occur in any event, unrelated to use of the airfield and wholly outside of the Council's control. The Council has no control whatsoever over flying activities where aircraft have not landed at, or taken off from an airfield within the district which is subject to planning conditions.
- 6.19 The application supporting letter states that helicopters should be routed away from noise sensitive developments to where there are fewest people, and that inevitably this will mean rural rather than urban routes. In that respect, some overflying of this part of the district may occur in any event.
- 6.20 The Great Oakley Airfield Pilot Handbook published June 2012 (Issue 2) includes a Flight Protocol Map which identifies Great Oakley, Little Oakley and Wix as Residential Settlements, each of which is annotated as a "Flight Avoidance Zone". Three flight paths to and from the airfield are shown (in addition to two runway circuit patterns) – all of which avoid those residential areas.
- 6.21 In your Officers' opinion, the regulated use of the land and application of the Flight Protocol set out in the Pilot Handbook, including the identification of flight paths, would be able to safeguard local amenity. Helicopters would follow direct routes to and from the airfield, away from noise sensitive properties as far as practicable. Public safety would also be safeguarded by ensuring that the helicopter landing site is located away from the public footpath which crosses the airfield and farm.

d) The impact on environmental and nature conservation interests;

- 6.22 The application site does not lie within a sensitive area for biodiversity. However, there are such sensitive areas to the north, east and south of the site. These include sites of international, European, national, regional and local importance, including: two internationally important sites - the Stour and Orwell Estuaries and Hamford Water Ramsar Sites; two European sites - the Stour and Orwell Estuaries and Hamford Water Special Protection Areas; Hamford Water National Nature Reserve; Sites of Special Scientific Interest (SSSI); and Local Nature Reserves.
- 6.23 Further to Natural England's original advice, the applicant has issued a new handbook to be used by pilots. The Great Oakley Airfield Pilot Handbook published June 2012 (Issue 2) Flight Protocol Map also identifies the Orwell Estuary, Stour Estuary, Stour and Copperas Wood, Hamford Water, Weeley Hall Wood and Holland Haven Marshes SSSI - which are each described as a "Flight Avoidance Zone". Three flight paths to and from the airfield are shown (in addition to the two runway circuit patterns) – all of which avoid those areas sensitive in nature conservation terms.
- 6.24 Natural England has confirmed that it is satisfied that the modifications to the application should avoid any adverse effects on the designated Natura 2000 sites and not damage any SSSI.
- 6.25 The RSPB response to the original application consultation was to object because of the possible risks of increased disturbance to birds, close to or over designated sites in the

vicinity. The RSPB has withdrawn its objection following publication of the new Pilot Handbook and associated Flight Protocol.

- 6.26 The Council has no control whatsoever over flying activities where aircraft have not landed at, or taken off from an airfield within the district which is subject to planning conditions. Members will wish to consider whether the controlled use of the airfield by helicopters would, in practice, be likely to cause any harm to local biodiversity, particularly in respect of the sensitive areas identified. In your Officers' opinion, the regulated use of the land and application of the Flight Protocol as set out in the Pilot Handbook, including identification of flight paths, would safeguard nature conservation.

e) The impact on the landscape such as visual amenity and lighting;

- 6.27 The proposal will have limited impact upon the wider landscape in terms of visual amenity. Details of any lighting if subsequently be proposed will be required to be approved.

f) The accessibility of the site in relation to transport;

- 6.28 The site is accessible from the B1414 Harwich Road at Great Oakley village. The B1414 runs between Harwich/Dovercourt and Little Clacton and is accessible to local centres of population. A bus route runs through the village and there are bus stops nearby in Harwich Road. There is no objection to the proposal from the ECC Highways Authority.

- 6.29 The ECC Highways Officer has raised concern over the initial lack of details of the proposed area of land to be used by helicopters. Public safety in respect of users of Footpath No.29 has already been considered at c) above and, notwithstanding the removal of warning signs from adjacent to the airstrip (by person or persons unknown), your Officers consider that such removal of warning signs would be less likely to occur in close proximity to the farm complex. Your Officers consider that a requirement for signage would pass the relevant tests contained in Planning Circular 11/95 (The Use of Conditions in Planning Permissions) and should be included in the scheme required by proposed condition 2.

g) Development proposals will not be allowed where they would compromise the existing use of the district's airfields or airstrips.

- 6.30 This criterion does not apply directly to the proposal, which relates to use of the airfield itself. However, it reinforces the Council's aim to protect the existing airfield from proposed uses which would be harmful to its operation. Investment in the existing airfield is one way to help ensure its continued use.

Central issue

- 6.31 The application does not propose any increase in the total numbers of take-offs currently permitted (nor does Application Ref.12/00405/FUL on this Agenda). Your Officers consider that the central issue identified by the Appeal Inspector – in essence that of noise disturbance – is also the central issue with the application but have considered this in much wider terms than the Appeal Inspector, who was concerned with impact upon "dwellings in the neighbourhood of the Great Oakley Lodge". The Appeal Inspector's decision letter does not consider specifically the issue of use by helicopters and a specific reason for imposing Condition 5, to not permit use by helicopters, is not stated.

- 6.32 The adopted local plan highlights the need to strike the right balance between potentially conflicting interests. This recognises that the wishes of the airfield owner, operators and users to vary the operation of the airfield have to be considered alongside those of others, who do not wish the use to develop as proposed.

- 6.33 It is inevitable that some noise and disturbance will result from use of the airfield by helicopters. The noise created by helicopters is also greater than that from other aircraft which use the airfield. However, the predicted noise levels are not so great that they would be harmful to public health. Whether the noise impact likely to result from the proposal would amount to *undue* disturbance, in the Appeal Inspector's terms, or be *significant*, in NPPF terms, or be otherwise unacceptable, so as to warrant the refusal of planning permission, is therefore a matter of judgement. Your Officers have considered the evidence and merits of the case and do not consider that planning permission should be refused.
- 6.34 The adopted local plan states that the Council does not consider it appropriate that the small scale of the airfield or its broad principal 'recreational' function should change. Your Officers consider that the proposal, if permitted, would represent a change in emphasis of use of the airfield as originally permitted and subsequently developed. However, such use would, in practice, be occasional and although use by helicopters would be mainly for non-recreational purposes, the policy does not seek to prevent any such use. The grant of a limited planning permission would allow flexibility in airfield operations and help to support the business. There would be no expansion of the airfield or any increases in the total number of daily or annual take-offs permitted. Your Officers consider that the limited ability to accommodate helicopters and the likely level of use indicated - maximum of 3 take-offs per day - would not, by itself, or in conjunction with flight training (if that use is permitted under Application Ref.12/00406/FUL on this Agenda), undermine the Council's policy to protect the small scale and broad principal recreational function of the airfield. That is, there would not be a material change in the scale and function of the airfield as such.
- 6.35 Members are advised that 'permitted development rights' currently allow the applicant to use other land in his ownership, directly adjacent to the airfield, for up to 28 days in any calendar year for any purpose permitted, including use by helicopters. Such ability is described, in planning terms, as a 'fall-back position'. As such use may occur much closer to residential and other noise-sensitive properties than would be the case if the airfield was used, any adverse impact upon residential and local amenities would be much greater, in your Officers' opinion, than if it took place in a controlled manner, within the airfield, subject of a specific planning permission.
- 6.36 A number of objectors have raised concerns over alleged breaches of planning conditions and the unauthorised use of the airfield by helicopters (and for the flying training subject of Application Ref.12/00406/FUL on this Agenda) and some have also expressed doubts whether, if planning permission is granted, any new planning conditions imposed would be adhered to. Members are advised that it is not possible to refuse planning permission on such grounds. If permission is granted, any complaint about an alleged breach of planning control would be subject of an enforcement investigation. A requirement to maintain and make accessible a record of all take-offs will assist in such monitoring and if considered expedient, enforcement action would be taken.
- 6.37 Members will note the concerns which have been raised locally about noise. However, they must also have regard to specialist advice and consider that what weight may be given to the objectors' concerns; whether the objections raised identify *significant adverse effects*, in NPPF terms, which would warrant refusal.
- 6.38 Whilst most of the objections the Council has received have raised concerns over noise, and your Officers acknowledge that this is a material planning consideration, they do not consider that there is evidence to demonstrate that significant adverse effects would arise which would justify the refusal of planning permission. Such a refusal would have to be defended at any subsequent planning appeal (likely to be held as a Public Inquiry where

witnesses' evidence would be tested under cross-examination). Members are aware that if the Council is held to have acted unreasonably in refusing planning permission (for example by including reasons for refusal which are not supported adequately by evidence), it would also be liable to pay the appellant's costs of the subsequent appeal.

- 6.39 Your Officers consider that the proposal accords with Development Plan policy and that, on balance, the limited use of the airfield by helicopters could be accommodated without overriding harm being caused to local and residential amenities or to any other planning interests. They consider that granting planning permission subject to conditions would strike a reasonable balance between supporting business and public services and protecting local and residential amenities. The imposition of planning conditions would be able to safeguard amenity and other planning interests better than the refusal of planning permission, which could result in the applicant exercising his lawful permitted development rights on his adjacent land. By requiring a specific helicopter landing area near to the existing buildings and also withdrawing permitted development rights to use adjacent land for helicopters, the Council would be able to ensure that nearby land and properties are better protected from associated helicopter noise than otherwise would be the case. The limited use of the airfield by helicopters would be sustainable.
- 6.40 In allowing for limited use by helicopters, the planning conditions proposed are otherwise consistent with those imposed in respect of the Appeal decision and subsequent related planning permissions. Your Officers acknowledge that in granting the original planning permission, the Appeal Inspector considered that flight circuits could not be controlled by planning condition. However, he reasoned that he could, instead, impose a condition which required that a circuit plan be displayed at the airfield. Your Officers recognise the limits to planning which exist in respect of circuit patterns (and flight paths) and that Great Oakley Airfield is not unique in that respect. However, the approach taken to this issue is consistent with that of the Appeal Inspector. Furthermore, the application of the Flight Protocol as set out in the new Pilot Handbook will help to demonstrate "Best Practice" principles, as outlined by the CAA.

Background Papers

None.