

Application for Determination

Parish	Aldeby Parish Council		
Reference	BA/2015/0055/COND	Target date	23 April 2015
Location	Model Aircraft Flying Ground, St Marys Road, Aldeby		
Proposal	Variation of Condition 3 on pp BA/2008/0212/CU to allow electric silent flight only on Mondays and Fridays. No Internal Combustion powered planes to be flown. Flying times 10am til dusk.		
Applicant	Mr Richard Smith		
Recommendation	Approve Subject to Conditions		
Reason for referral to Committee	Objections to the proposal have been received.		

1 Description of Site and Proposals

- 1.1 The site comprises an area of land (approximately 1.5 acres), used for the flying of model aeroplanes, south of St Mary's Road which lies at the top of the northern slope of the Waveney Valley. The site is situated to the west of the village of Aldeby and is adjoined by agricultural fields. The north-eastern, south-eastern and south-western boundaries of the site are defined by 2.5-3m high field hedges. The land immediately to the north of the site is laid to hay and cut yearly. Access to the site is from St Mary's Road via a metalled gate corner entrance leading into a designated off road parking area, which is matted to ensure safe access for off road parking in all weather conditions.
- 1.2 The area is short cut grass, with several fence structures and the parking area. The fences are timber post and rail fences which provide an operators' box and a safety fence between the flying/runway area and the parking/observation area. A wooden shed measuring 9m x 3m used as a club hut, mower garage and toilet compartment is positioned immediately adjacent to the hedge on the north-eastern site boundary.
- 1.3 The site is in close proximity to the Barnby Broad and Marshes SSSI.
- 1.4 This site has been used by the Aldeby Flying Club since 2005 as an airfield from which to fly model aircraft. The models are either powered by internal combustion engines or by rubber or electric motors. Some are totally silent, such as gliders. Those planes that are powered by rubber or electric motors

and gliders are classified as 'silent craft' by the British Model Flying Association. In 2008 planning consent was granted for the permanent operation of the Aldeby Flying Club from this site (BA/2008/0212/CU). This consent included conditions which stipulated when the aircraft could be flown from the site and also how many aircraft could be flown at any one time. This consent also identified where the models could be flown and also restricted the maximum noise level from any individual engine. These conditions were all imposed to ensure the ongoing protection of the local amenity.

1.5 Condition 3 of this planning permission states:

"No craft shall be operated on site other than during the following permitted hours:

1 May to 31 August inclusive

Tuesday/Wednesday/Thursday: 14:00 to 21:00 hours
Saturday: 13:00 to 19:00 hours
Sunday: 10:00 to 14:00 hours
16:00 to 20:00 hours silent flight only as detailed in condition 4

1 September to 30 April inclusive

Tuesday/Wednesday/Thursday: 13:00 hours to dusk
Saturday: 10:00 hours to dusk
Sunday: 10:00 to 14:00 hours
16:00 to 20:00 hours silent flight only as detailed in condition 4

Reason

In the interest of local amenity."

1.6 Condition 4 of this planning permission states:

"During permitted hours there shall be no more than six craft flown at any one time, comprising three powered craft (internal combustion) and three silent craft (electric and/or gliders); with the exception of Sundays between the hours of 16:00 and 20:00 when only silent craft may be flown."

1.7 Consent is now being sought to amend Condition 3 of planning permission BA/2008/0212/CU to permit flying of electric powered models only on Mondays and Fridays between 10am till dusk.

2 Site History

2005/1475- Temporary consent for change of use of agricultural land to land for the use by a model flying club. Approved. October 2005.

Members site visit to review BA/2008/0212/CU- Change of use of agricultural land to model flying club. Undertaken September 2008.

BA/2008/0212/CU- Change of use of agricultural land to model flying club. Approved. September 2008.

BA/2009/0040/FUL- Application for retention of a non-residential static caravan for use as a club hut and storage unit and portable WC for club use. Refused. April 2009.

BA/2009/0268/FUL – Siting of a wooden shed for use as a club hut, mower garage and toilet compartment. Approved. November 2009.

3 Consultation

Natural England - No objection

South Norfolk Environmental Protection Officer - No objection in principle, but further noise tests should be carried out by a qualified noise consultant so that an assessment of the impact on neighbouring properties can be completed. It may be possible to condition this. Notes that 'silent' flight craft are not silent, but do have a noticeable noise emission.

Highway Authority - Raises concerns, however given existing use and history here no objection raised.

Broads Society - No objection.

Parish Council - We consider that the application should be refused for the following reason:

Significant noise, up to 74 decibels according to the Clubs own electric model test results - see last page of application.

If permission is granted we suggest that the following condition of approval should be considered
No flying on Sundays. Flying should cease 1 hour before dusk everyday.

District Member - No comment received.

4 Representations

- 4.1 Three written representations have been received on this planning application, one in support of the proposal and two in opposition to the application.
- 4.2 The letter in support states that as the nearest property to the site they certainly have no objection to this application being granted.
- 4.3 The two letters of objection received cite the predominant reason for objecting as being the noise that is generated by the model aircraft and they question whether in fact the planes that it would be intended to fly on Mondays and Fridays would be silent. The objectors state that the noise that is currently

generated by the planes on the days they are currently permitted to fly has a detrimental effect on their residential amenity and also scares away any wildlife in the area. One of the letters of objection also complains about the additional traffic that is generated in the area as a result of the presence of the Flying Club and says that there have been several near misses on the roads. The letter also states that the planes do not always remain in the flying zones and that the Club can be a little relaxed about the flying times.

- 4.4 One of the objection letters states that they would like the overall flying package changed to silent flying all day Sunday, ending at 5pm in the summer, or no flying at all on Sundays and may be have silent flying on Mondays instead, but not on Bank Holidays as before. The letter also states that evening flying should finish at least an hour before dusk all year round for the local's sanity and to give the wildlife a chance to settle or return. They state that other people like to be out of doors enjoying themselves in their gardens. They consider that the Flying Club has enough and that a reduction in flying hours would be the result most welcomed here.

5 Policies

- 5.1 The following Policies have been assessed for consistency with the National Planning Policy Framework (NPPF) and have been found to be consistent and can therefore be afforded full weight in the consideration and determination of this application. [NPPF](#)

[Core Strategy 2007- 2021](#)[Core Strategy Adopted September 2007.pdf](#)

CS1 Landscape Protection and Enhancement
CS2 Historic and Cultural Environment

[Development Management Policies DPD](#)
[DEVELOPMENTPLANDOCUMENT](#)

DP1 Natural Environment
DP11 Access on Land

- 5.2 The following Policies have been assessed for consistency with the NPPF and have found to lack full consistency with the NPPF and therefore those aspects of the NPPF may need to be given some weight in the consideration and determination of this application.

[Development Management Policies DPD](#)

DP28 Amenity

6 Assessment

- 6.1 In terms of the assessment of this application the main issues that need to be considered include: the principle of the proposal; noise; and access.

- 6.2 In terms of the principle of the proposal, the Flying Club have stated that they are finding that the restriction on the number of flying days results in the Club not being able to maximise the total number of allowed flying days due to adverse weather conditions. In an analysis of the entries of the Flying Club Log Book, taken for each year from 2008 to 2014 it is apparent that approximately 45.3% of allowable days were not flown each year, due to inappropriate weather, equalling a loss of 821 days in total. The Club therefore want increased flexibility on the days that they are permitted to fly so that they can maximise their flying time when adverse weather conditions prevail.
- 6.3 The use of this site as a permanent base for the Aldeby Flying Club has been accepted since 2008. This activity on this site is not therefore considered to be contrary to Policy. The justification for seeking consent to permit the flying of 'silent craft ' on Mondays and Fridays, in addition to the days already permitted, to increase the flexibility when flying can take place from this land, is accepted. The issue with this application is not whether it is acceptable for this site to be used for flying on Mondays and Fridays, as this use of this land has already been established, but whether it is acceptable to permit flying from this site on any day of the week, within the specified times, depending on the weather conditions.
- 6.4 It is considered that in principle the proposal to provide the Flying Club with the flexibility to maximise the amount of flying that can take place from this site within the specified flying hours is acceptable. The main determining factor as to whether or not permission should be granted for this proposal is whether the increased hours would generate any unacceptable impact on the amenity of the surrounding rural area or residential properties, or have an adverse effect on the surrounding road network.
- 6.5 The main issue to be considered in the assessment of this application in terms of its possible impact on the amenity of the surrounding rural area and residential properties is whether or not an unacceptable level of noise over an extended period of time would be generated if the Club were permitted to fly on Mondays and Fridays in addition to the operational hours already consented.
- 6.6 The application requests that the Club be permitted to fly on Mondays and Fridays between 10am and dusk. However following discussion with the applicant it has been agreed that these hours be reduced to between 14.00 and 21.00 hours 1 May to 31 August inclusive and between 13.00hrs to dusk 1 September to 30 April inclusive in line with the hours already permitted on Tuesdays, Wednesdays and Thursdays to help minimise any impact. The planes would be flown in accordance with the no-fly zones specified in Condition 5 of planning permission BA/2008/0212/CU which include any area within 200m radius of any noise sensitive premises including any domestic curtilage, as indicated on the plan submitted in support of that application.

- 6.7 The Club has also requested to only fly 'silent craft' on Mondays and Fridays as opposed to all types of model planes. Whilst this categorisation is slightly misleading as these planes, except gliders which are totally silent, do in fact generate noise levels up to 74dB(A) it does demonstrate an attempt by the Club to minimise any impact that may be caused by the increase in hours of operation. The Club have carried out noise tests which conclude that these models generate 74dB(A) at 7m distance and that at 200m this level reduces to approximately 45dB(A). The maximum noise level for 'non-silent' or internal combustion powered models is 82dB(A). Before any flight, craft must be sound tested in accordance with the British Model Flying Association, which is recognised by Government, the Civil Aviation Authority and the Sports Council. All the submitted information has been assessed by South Norfolk Council's Environmental Protection Officer. He has concluded that he does not wish to object to this application however he cannot indicate, with the information provided, whether a possible increase in noise levels over the current background only levels enjoyed on these normally non-flying days would have the propensity to cause a noise disturbance to nearby residents. He suggests that a Condition could be imposed on any planning permission that may be granted requiring a qualified noise consultant to carry out noise monitoring at the nearest residential properties.
- 6.8 Another factor to be taken into consideration is that whilst two objections to this application have been received citing the noise to be generated as the predominant reason for objecting, , no complaints about the noise have been received by the Environmental Protection Team at South Norfolk Council, the Broads Authority or the Flying Club since this use of the site commenced in 2005. Whilst this does not mean that the residents do not consider that they experience disturbance from the activities, it does suggest that that disturbance has not warranted complaint.
- 6.9 One further matter to be taken into consideration is that whilst the existing planning permission permits the Club to fly between certain hours on every day except Mondays and Fridays the Club's Log Books for each year between 2008 and 2014 demonstrate that the actual flying hours are only around 50% of the permitted hours due to adverse weather conditions. Therefore whilst granting consent for 'silent craft' to fly on Mondays and Fridays would potentially increase the total number of hours that the Club could operate, in reality it is likely that the trend of only being able to fly for approximately 50% of the permitted operational time would continue.
- 6.10 The two letters of objection to the proposal that have been received, both cite the fact that the noise generated by the model planes has an adverse effect on wildlife in the area. However Natural England has been consulted on the planning application and do not raise an objection.
- 6.11 The concerns of the two objectors and the Parish Council in respect of the noise have been acknowledged and all the mitigating factors have been fully considered. On balance it is considered that if the Club operates in accordance with the details of the application, with the reduced flying hours

as agreed, and in accordance with the other Conditions imposed on the original planning permission, that the amenity of the local area and the nearby residential properties will not be significantly adversely affected. It is therefore considered that this proposal is not contrary to Policy DP28 of the Development Management Policies DPD.

- 6.12 The Highway Authority has been consulted on the application. They have stated that whilst they had concerns initially about the impact that the additional traffic associated with the Flying Club would have on the road network surrounding the site when the original application was considered in 2008, in fact no significant safety or highway maintenance issues associated with the Flying Clubs activities, have arisen. Therefore on balance the Highway Authority considers it would be difficult to sustain an objection on highway grounds to this specific application and therefore there is no objection on highways grounds to the proposed variation of condition. The proposal is therefore considered to be in accordance with Policy DP 11 of the Development Management Policies DPD.

7 Conclusion

- 7.1 Given the nature of the Flying Club's activities and how weather dependent it is and the fact that, as a result, they only manage to fly on average 50% of the hours permitted, it is considered reasonable to open up the days on which they are permitted to fly to give them greater flexibility.
- 7.2 It is considered that there are unlikely to be any significant adverse impacts on wildlife or highway safety as a result of this proposal being approved. If the additional hours permitted are restricted to the flying of 'silent flight' models only and the other conditions imposed on planning permission BAS/2008/0212/CU are re-imposed on this planning permission it is considered that there would be no significant adverse impacts on neighbouring amenity substantial enough to justify a refusal. The proposal is not considered to be contrary to any of the relevant Development Plan Policies.

8 Recommendation

- 8.1 It is recommended that this application be approved subject to the following conditions:

- (i) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason

The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (ii) The development hereby permitted shall be carried out in accordance with the application form, plans and supporting information received by the Local Planning Authority on 16 February 2015 as amended by the letter from the Waveney Model Flying Club dated 29 March 2015 received by the Local Planning Authority on 31 March 2015 and the letter and attached information from the Waveney Model Flying Club dated 16 April 2015 and received by the Local Planning Authority on 20 April 2015 unless otherwise first agreed in writing by the Local Planning Authority.

Reason

For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans.

- (iii) No craft shall be operated on site other than during the following permitted hours:

1 May to 31 August inclusive

Monday	14:00 to 21:00 hours (silent flight only as detailed in Condition 4)
Tuesday/Wednesday/Thursday:	14:00 to 21:00 hours
Friday	14:00 to 21:00 hours (silent flight only as detailed in Condition 4)
Saturday:	13:00 to 19:00 hours
Sunday:	10:00 to 14:00 hours 16:00 to 20:00 hours (silent flight only as detailed in Condition 4)

1 September to 30 April inclusive

Monday	13:00 hours to dusk (silent flight only as detailed in Condition 4)
Tuesday/Wednesday/Thursday:	13:00 hours to dusk
Friday	13:00 hours to dusk (silent flight only as detailed in Condition 4)
Saturday:	10:00 hours to dusk
Sunday:	10:00 to 14:00 hours 16:00 to 20:00 hours (silent flight only as detailed in Condition 4)

Reason

In the interest of local amenity.

- (iv) During permitted hours there shall be no more than six craft flown at any one time, comprising three powered craft (internal combustion) and three silent craft (electric and/or gliders); with the exception of Mondays and Fridays and between the hours of 16:00 and 20:00 on Sundays when only silent craft may be flown.

Reason

In the interests of local amenity.

- (v) No craft shall fly within a 200 metre radius of any noise sensitive premises including any domestic curtilage, as indicated on the plan submitted titled 'Self Imposed No Fly Zones In Line with British Model Flying Club Advice' received by the Local Planning Authority 19 June 2008.

Reason

In the interests of local amenity.

- (vi) No individual craft must exceed 82 dB (A) with regard to engine noise, when measured at a distance of 7 metres, and between 1 and 2 metres above the ground; in accordance with the guidance of the British Model Flying Club.

Reason

In the interest of local amenity.

- (vii) The access, parking and fencing details on site must be maintained in perpetuity as detailed on the plan received via email by South Norfolk District Council on the 13 April 2006, (in relation to discharge of condition 2 of planning approval 2005/1475/CU), unless otherwise first agreed in writing by the Local Planning Authority.

Reason

In the interests of highways safety.

- (viii) A written record shall be maintained of the use of the site and shall record the following details: operator, craft flown, and times of flight. The record shall be kept and made available for inspection by an officer of the Local Planning Authority at any reasonable time.

Reason

In order to monitor compliance with the conditions of the planning consent.

Background papers: Application File BA/2015/0055/COND

Author: Alison Macnab

Date of Report: 13 April 2015

List of Appendices: APPENDIX 1 – Location Plan

APPENDIX 1

BA/2015/0055/COND - Model Aircraft Flying Ground, St Marys Road, Aldeby

Variation of condition 3 on pp BA/2008/0212/CU to allow electric silent flight only on Mondays and Fridays: No IC powered planes to be flown: Flying times 10am til dusk



© Crown copyright and database rights 2015. Ordnance Survey 100021573.