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**MAIN CASE**

**Reference No:** 16/01733/VAR

**Proposal:** Variation of condition 9 (operating times) of previously approved (15/00802/VAR for change of use of land for flying model aircraft)

**Site Address:** Fenland Model Club Hive Road Witcham Cambridgeshire

**Applicant:** Mr Andy Colebourne

**Case Officer:** Julie Barrow, Senior Planning Officer

**Parish:** Witcham

**Ward:** Downham Villages

Ward Councillor/s: Councillor Anna Bailey  
Councillor Mike Bradley

**Date Received:** 12 December 2016      **Expiry Date:** 6 February 2017

[R201]

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**1.0      RECOMMENDATION**

**1.1**      Members are requested to APPROVE this application subject to the recommended conditions below. The conditions can be read in full on the attached appendix 1.

1. Approved plans
2. Personal permission
3. Activity to be undertaken in accordance with national guidance and BMFA Handbook
4. Activity log
5. Maximum number of aircraft being flown
6. Club representative to be present
7. Adherence to layout plan
8. No aircraft within 200m of residential property
9. Electric model flying times
10. Internal combustion model flying times
11. No gas turbine powered aircraft
12. Restriction of temporary use permitted development rights
13. Compliance with biodiversity method statement
14. Signage details

## 2.0 SUMMARY OF APPLICATION

2.1 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

2.2 The application is to vary condition 9 (operating times) of the previously approved application (15/00802/VAR) which provided an extension of operating hours on a temporary basis for one year. The application proposes that these temporary hours are made permanent.

2.3 The requested hours are:

Electric models are permitted to operate from the site during the following times  
10:00hrs – 20.00hrs on Mondays to Saturdays  
10:00hrs – 18.00hrs on Sundays and Bank Holidays  
This variation will be for a temporary period of one year.

2.4 The application has been called-in to Planning Committee by Councillor Bailey as a resident has provided details of on-going noise issues and given the long history it would be fairest for it to come to Committee.

## 3.0 PLANNING HISTORY

3.1

12/00882/FUL	Change of use of land for flying model aircraft - retrospective	Approved	18.02.2013
15/00802/VAR	To vary condition 1 (membership), 2 (noise), 5 (supervision), 11(use of land) and 8 (operating times) of decision notice dated 27.2.13 for change of use of land for flying model aircraft - retrospective	Approved	03.02.2016

## 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located between Witcham and Wardy Hill in a countryside location. It is accessed from an unmade track which is some 300 metres in length to the East of Hive Road, which links the two settlements.

4.2 The site extends to 0.25 hectares. Its northern boundary is marked by a ditch with a public right of way on its northern bank; the western boundary is also marked by a public right of way with overgrown hedges and mature trees. The eastern and southern boundaries are marked by indigenous hedges.

- 4.3 Within the site there is a flying area and an area used for car parking. The flying area has a marked runway and taxi areas. The runway runs north south with the taxi area linking it to the launch areas and pits.

5.0 RESPONSES FROM CONSULTEES

- 5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

**Parish** – Have concerns and objects to the application for the extension of the temporary arrangement. Operating hours should revert back to the original hours. This is to protect residential amenity and reduce noise pollution for residents.

**Ward Councillors** - No additional comments received other than the call-in from Cllr Bailey above.

**Local Highways Authority** – The Local Highway Authority does not consider that this application will have any significant adverse impact upon the operation of the highway network.

**Environmental Health** – We have not received any complaints regarding the noise from the site over the last year. Environmental Health and Planning Officers have visited the site to try to witness flying and have not managed to do so, as the site has not been in use at those times.

I note from the complaint log and use log that there are some consistencies and I will contact the club to discuss this further.

As no issues have been raised and we ourselves have not been able to witness any issues over the last year I do not consider we are in a position to refuse the request to make the temporary time restriction condition permanent. This equates to 1 additional hour per evening compared to the original permission, and these hours have been in use over the past year.

**Natural England** - No comments to make on the application.

- 5.2 **Neighbours** – Site notice posted and 15 neighbouring properties were notified and the two responses received are summarised below. The consultation period expires on 25 January 2017 and any comments received after the publication of this report will be reported to the Planning Committee at the meeting. A full copy of the responses are available on the Council's website. Comments included:

- Having experienced the new flying times for almost a year remain opposed to their permanent extension.
- Clubs electric models are anything but quiet and emit a particularly unpleasant noise at the detriment to amenity.
- Prevents use of garden, countryside and is often audible indoors.
- The club has not provided any substantive argument for extending flying times.
- Most who choose to live in the countryside do so for the quiet
- One requires one member to fly aircraft to ruin tranquillity

- Unacceptable residents have to wait until 20:00 to enjoy gardens
- Enjoyment of the countryside is for all and not just those who enjoy a particular past time
- Future attempts to extend hours will be met with oppositions from local residents
- Efforts from local community, Cllr's, Environmental Health and Planning over many years have improved the situation. However, noise continues to be a problem.
- Comments also included log of dates/times where noise caused issues for neighbours.
- Concerning that the public cannot access information online.
- Same reservations as expressed in August 2015.
- Number of occasions when models flown during the electric periods which produce noise as annoying at the I/C and turbine models.
- Sure there would be no complaints or objections if the Club would adopt a silent flying policy during electric only periods.
- Because unwanted noise is still being made on occasions I object to the proposal.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

GROWTH 2      Locational strategy  
 ENV 1      Landscape and settlement character  
 ENV 2      Design  
 ENV 9      Pollution

### 6.2 National Planning Policy Framework 2012

11 Conserving and enhancing the natural environment

## 7.0 PLANNING COMMENTS

7.1 The main issues to consider in relation to this application is balancing the needs of the club against the residential amenity of nearby residents.

### 7.2 **Principle of development**

7.2.1 The principle of development has already been established by granting of the previous planning applications (12/00882/FUL and 15/00802/VAR), and all that is being considered is the variation of condition 9 from application 15/00802/VAR. This seeks to make permanent a change of operating hours granted temporary consent for a period of 12 months from 5 February 2016.

### 7.3 **Residential amenity**

7.3.1 As noted in the previous application (15/00802/VAR) it is the nature of the noise which makes it penetrating and when heard difficult to switch off to. The surrounding area also has relatively low background noise levels. The best way to limit the impact on residential amenity is through controlling the hours of use. The

Planning Committee previously accepted that the hours of use should be extended for a temporary period of 12 months in order to establish whether the additional hours had a significantly detrimental effect on residential amenity.

- 7.3.2 The change in hours effectively granted an additional hour of flying between 19:00 – 20:00 Monday to Saturday and an additional hour of flying between 17:00 – 18:00 on Sundays and Bank Holidays.
- 7.3.3 Since the previous decision notice was issued on 5 February 2017 no noise complaints have been received by the local planning authority or the Council's Environmental Health department. During the course of this application a local resident has submitted a written objection to the proposal and has supplied a log of days on which noise has been recorded. The resident makes clear in his representation that this is a 'partial' noise record and is only a 'snapshot'.
- 7.3.4 The log details eight days on which noise is recorded. Of these eight records three relate to the months of July and August. One entry in this period refers to noise being recorded after 19:00, with the other two making reference to noise being recorded between 18:00 – 19:00. All other entries relate to noise being recorded in the early afternoon. With the exception of the one entry after 19:00 all other noise was recorded during the operating hours as originally permitted.
- 7.3.5 The Ely Model Aircraft Club is required to keep a log of all flying activity taking place on site and the Case Officer and Environmental Health Officer have visited the site in the past year and have confirmed that a log is being kept. The Club has provided copies of its logs for the days highlighted by the local resident. There is no record of flying taking place on the day when noise was recorded after 19:00. It is possible that the log was not completed on this day, however, it is also possible that the Club was not responsible for the noise on that day.
- 7.3.6 A number of the noise records relate to Wednesday and Saturday, when Internal Combustion Models are permitted to fly by the Club in accordance with the existing planning consent. These are restricted to two days per week due to the type of noise they generate. Again, all noise recorded was within the permitted hours and on all days concerned members of the Club have recorded that they left the site within the agreed hours.
- 7.3.7 On the basis that no complaints have been made during the past 12 months in respect of the extended hours and that the noise recorded was either within the originally permitted hours or when no members of the Club were recorded as flying, it is considered that refusal of the application cannot be warranted. The application is therefore recommended for approval.

## 8.0 APPENDICES

### 8.1 Appendix 1 – Draft conditions

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
16/01733/VAR	Julie Barrow	Julie Barrow

12/00882/FUL  
15/00802/VAR

Room No. 011  
The Grange  
Ely

Senior Planning  
Officer  
01353 665555  
julie.barrow@eastca  
mbs.gov.uk

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

## APPENDIX 1 - 16/01733/VAR Conditions

- 1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference  
LOCATION PLAN  
LAYOUT

Version No

Date Received  
30th October 2012  
13th June 2013

- 1 Reason: To define the scope and extent of this permission.
- 2 The use hereby permitted shall enure for the benefit of members of the Ely Model Aircraft Club only.
- 2 Reason: The application was approved on the basis that the Ely Model Aircraft Club (formerly Fenland Model Club) is affiliated to the British Model Flying Association and that each member must be a current member of the BFMA. As such the proposal is in accordance Policy ENV2 of the East Cambridgeshire Local Plan 2015 relating to residential amenity.
- 3 All activity on the site shall be undertaken in accordance with the Department of the Environment Code of Practice on noise from model aircraft 1982 and the British Model Flying Association Members Handbook.
- 3 Reason: The application was approved on the basis that the Ely Model Aircraft Club is affiliated to the British Model Flying Association and that each member must be a current member of the BFMA. As such the proposal is in accordance Policies ENV1, ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015 relating to residential amenity and the character of the countryside.
- 4 A log shall be maintained by the applicant and be completed by all visitors to the site. The information recorded shall include the date, name of member, time on and off the site, reason for visit, type of aircraft flown, times of flight and name of member who displayed the warning flags. The log will be subject to a monthly Committee check to ensure its correct completion, annotated accordingly and will be made available to the Local Planning Authority at any reasonable time.
- 4 Reason: In the interests of the proper management of the site having regard to residential amenity and the character of the countryside in accordance with Policies ENV1, ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015.
- 5 A maximum of 5 aircraft shall be in the air at any one time, which may include up to 3 internal combustion engine aircraft, unless otherwise agreed in writing by the Local Planning Authority.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers and other countryside users in the vicinity of the site and to prevent noise pollution in accordance with policies ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015.
- 6 No model aircraft shall be flown from the site unless there is a designated model aircraft club representative from the Ely Model Aircraft Club present to supervise activities.

- 6 Reason: In the interests of proper management of the site having regard to the Code of Practice on Noise from Model Aircraft 1982 and the British Model Fly Association Handbook in order to protect the amenities of the adjoining residential occupiers and other countryside users in accordance with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 The development shall continue to be carried out in strict accordance with the layout plan submitted on 13 June 2013 showing parking, pits, runway/launch and landing areas. These areas shall be retained for that specific use unless otherwise agreed in writing by way of a formal application to the Local Planning Authority.
- 7 Reason: In the interests of proper planning of the area, and neighbourliness in accordance with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 No aircraft may be flown within 200m of any residential property.
- 8 Reason: The British Model Flying Association recommends that models should not be flown closer to any noise sensitive premises than 200 metres. In the interests of residential amenity in accordance with Policies ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015.
- 9 Electric models are permitted to operate from the site during the following times:  
10:00hrs - 20.00hrs on Mondays to Saturdays  
10:00hrs - 18.00hrs on Sundays and Bank Holidays
- 9 Reason: To safeguard the character of the area for other countryside users and in order to protect the residential amenities of dwellings in the area and prevent noise pollution in accordance with policies ENV1, ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015. The hours that electric models can be flown have been extended for a temporary period of one year in order for the local planning authority to assess the impact of the increased hours on residential amenity and noise pollution.
- 10 Internal Combustion Models may only be operated from the site on any two days per calendar week (a week shall to be taken from Monday to Sunday), and only between the following hours:  
10:00hrs to 19:00hrs on Mondays to Fridays  
10:00hrs to 14:00hrs on Saturdays  
10:00hrs to 12:00hrs on Sundays and Bank Holidays  
unless otherwise agreed in writing by way of a formal planning application to the Local Planning Authority.
- 10 Reason: To safeguard the character of the area for other countryside users, the amenities of residential properties in the area and prevent noise pollution in accordance with policies ENV1, ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015.
- 11 No gas turbines powered aircraft shall be operated from the site.



- 11 Reason: To safeguard the residential amenity of neighbouring occupiers, other countryside users and to prevent noise pollution in accordance with policies ENV1, ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015.
- 12 Notwithstanding the provisions of the Part 4 Class B, of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order), the use of the land for any temporary purpose is not permitted.
- 12 Reason: The application has been permitted on the basis that the site is operated on a regulated basis by members of the Ely Model Aircraft Club for the flying of aircraft and for no other purpose. In the interests of protecting the character of the area for other countryside users and residents in the area in accordance with Policy ENV2 and ENV1 of the East Cambridgeshire Local Plan 2015.
- 13 The development shall continue to be carried out in strict accordance with the Biodiversity Method Statement submitted on 13 June 2013.
- 13 Reason: In order to comply with Policy ENV7 of the East Cambridgeshire Local Plan 2015.
- 14 The development shall continue to be carried out in strict accordance with the approved signage details submitted on 16 April 2013. The signage shall be maintained at the applicant's expense and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.
- 14 Reason: In the interests of amenity of users of Public Byways in accordance with Policy ENV2 of the East Cambridgeshire Local Plan 2015.