



REGULATORY SERVICES COMMITTEE

4 December 2014

REPORT

Subject Heading:

**P0010.12 – Damyns Hall Aerodrome,
Aveley Road, Upminster**

**Demolition of existing buildings and
replacement with new hangar
constructed within a landscaped
compound. The compound also to
provide all outside parking for home
based aircraft.**

(Application Received 16 April 2012)

Ward:

Upminster

Report Author and contact details:

**Suzanne Terry, Interim Planning
Manager
suzanne.terry@havering.gov.uk
01708 432755**

Policy context:

**National Planning Policy Framework
The London Plan
Local Development Framework**

Financial summary:

None

The subject matter of this report deals with the following Council Objectives

Ensuring a clean, safe and green borough	<input checked="" type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input checked="" type="checkbox"/>
Value and enhance the life of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This planning application for a new hangar building and outdoor plane storage was originally reported to the Regulatory Services Committee in August 2013, where it was resolved to grant planning permission subject to the satisfactory completion of a legal agreement. The heads of terms of the legal agreement sought to limit use of the aerodrome by helicopters and airships and required the setting up of a consultative committee. The applicants have queried the proposed clause relating to airships and have commented that they were of the view that the limitation would be 65 days per annum rather than 65 movements as in the committee resolution. The applicants are not willing to agree to a limitation to 65 movements and so are seeking a change to the heads of terms of the legal agreement relating to airships. It is considered that some alteration to this clause would be acceptable and it is recommended that planning permission be granted subject to a revision to the original resolution regarding airship movements.

RECOMMENDATIONS

That the Committee notes that the development proposed could be liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be up to £10,800. This is based on the creation of 540m² of new gross internal floor space.

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- That the aerodrome use of the land be limited to use by light aircraft, save for the use by helicopters and airships as defined and limited within the Legal Agreement.
- Helicopters Movements – That there will be no more than 5 helicopter movements (movements to be defined as one in, one out) in any week (Monday-Sunday).
- Airship Movements – That airships shall only use the site for a maximum of 65 days a year, that for 14 of the 65 days, there be no more than 10 airship movements per day, that for 51 of the 65 days there be no more than 2 airship movements per day. That a log be kept of all airship movements.
- The above not to apply when temporary events that are taking place as permitted development in accordance with Part 4 of the Town and Country

Planning (General Permitted Development) Order 1995, or any enactment superseding or replacing that order with similar provisions.

- To set up and run a consultative committee whose remit would be to bring to the attention of the aerodrome operators any current issues in relation to the aerodrome and to instigate a complaints policy agreed between the consultative committee and the aerodrome operators

That Staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

1. Time limit - The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason: 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).

2. Accordance with plans - The development hereby permitted shall be carried out in complete accordance with the approved drawings listed on page 1 of this decision notice.

Reason: To accord with the submitted details and LDF Development Control Policies Development Plan Document Policy DC61.

3. Removal of Buildings – The hanger building and outdoor light aircraft parking area hereby approved shall not be brought into use until the T hangers, tractor shed, barn building and shipping containers as identified on drawing numbers DHA-100 Rev A and DHA-200 are demolished and all material arising from demolition removed from the site.

Reason: To ensure that the openness of the Green Belt is preserved in accordance with Policy DC45 of the Local Development Framework and the National Planning Policy Framework.

4. No parking or storage of aircraft – Except for non-home based light aircraft, visiting the site for less than a 24 hour period (or other period previously agreed in writing by the Local Planning Authority) and light aircraft parked/stored within the area shown as “parking out area” on drawing number DHA-101, no aircraft shall be parked or stored anywhere in the open air on the site. For the purposes of this condition, light aircraft does not include helicopters or airships, for the avoidance of doubt however airships may be tethered overnight whilst in use in connection with event filming/broadcasts.

Reason: To ensure that the openness of the Green Belt is preserved in accordance with Policy DC45 of the Local Development Framework and the National Planning Policy Framework.

5. No outdoor storage – Other than light aircraft stored/parked in accordance with and as defined in Condition 4 and farm machinery required in connection with the agricultural use of the site, there shall be no outdoor storage of any items or materials.

Reason: In order to ensure a satisfactory external appearance and prevent harm to the openness of the Green Belt, in accordance with Policies DC45 and DC61 of the Local Development Plan and the NPPF.

6. Bund and Landscaping – The hanger building and outdoor light aircraft parking area hereby approved shall not be brought into use until the bund and landscaping has been provided in accordance with Drawing No.DHA-101. The approved bund shall be retained thereafter. Any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory visual appearance in accordance with Policies DC45 and DC61 of the Local Development Plan.

7. Archaeology – A) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority.
B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A).
C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development (including historic buildings recording), in accordance with Policy DC70 and NPPF.

8. Materials - Before any of the development hereby permitted is commenced, details of the finished external colour of the building shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

9. Maximum number of light aircraft – There shall be no more than 50 light aircraft stored on the site at any time. No other aircraft, including helicopters, shall be

stored on the site, except for airships tethered overnight in whilst in use in connection with event filming/broadcasts.

Reason: In order to ensure that the activity associated with the use of the site as an aerodrome is kept within acceptable limits in the interests of residential amenity and the openness of the Green Belt in accordance with Policies DC45, DC55 and DC61 of the Local Development Plan.

10. Restriction on Use – The building and open parking area hereby approved shall only be used for the storage/parking and maintenance of light aircraft or agricultural machinery and for no other purpose. For the purposes of this condition, light aircraft does not include helicopters or airships, for the avoidance of doubt however airships may be tethered overnight whilst in use in connection with event filming/broadcasts.

Reason: In order that the local authority may control the use of the site in the interests of visual amenity, residential amenity and openness of the Green Belt in accordance with Policies DC45, DC55 and DC61 of the Local Development Plan.

11. External lighting – No external lighting shall be installed on the site, except in accordance with details that have previously been submitted and approved in writing by the Local Planning Authority.

Reason: In order to ensure that lighting does not appear obtrusive or result in loss of residential amenity, in accordance with Policies DC45 and DC61 of the Local Development Plan.

INFORMATIVES

1. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.
2. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
3. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

4. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be up to £10,800. CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly. Further details with regard to CIL are available from the Council's website.

REPORT DETAIL

1. Background

- 1.1 On 22 August 2013, Members resolved to grant planning permission, subject to the satisfactory completion of a Legal Agreement, for the demolition of existing buildings and replacement with new hanger constructed within a landscaped compound. The compound also to provide all outside parking for home based aircraft.
- 1.2 The Heads of Terms of the S106 Agreement were to include the following:
- That the aerodrome use of the land be limited to use by light aircraft, save for the use by helicopters and airships as defined and limited within the Legal Agreement.
 - Helicopters Movements – That there will be no more than 5 helicopter movements (movements to be defined as one in, one out) in any week (Monday-Sunday).
 - Airship Movements – That there will be no more than 65 airship movements in any calendar year. That a log be kept of all airship movements.
 - The above not to apply when temporary events that are taking place as permitted development in accordance with Part 4 of the Town and Country Planning (General Permitted Development) Order 1995, or any enactment superseding or replacing that order with similar provisions.
 - To set up and run a consultative committee whose remit would be to bring to the attention of the aerodrome operators any current issues in relation to the aerodrome and to instigate a complaints policy agreed between the consultative committee and the aerodrome operators
- 1.3 The legal agreement has been drafted in accordance with the above terms and forwarded to the applicant for completion. The applicant has responded that they did not agree the term in relation to airships. They believed that the restriction was that airships be restricted to 65 days per year with unlimited number of movements on those days. In checking the correspondence on this matter it appears that Staff always referred to 65 movements, the applicant to 65 days and that this difference was not noticed by either party.

- 1.4 The applicant has requested that the agreement be amended accordingly. Staff were not willing to recommend unlimited airship use for 65 days a year due to adverse impact and have suggested that airship use be limited to a maximum of 65 days a year, with movement numbers limited to a maximum of 10 for 14 of those days and 2 for 51 of those days. The applicant has indicated willingness to enter the legal agreement on these terms.

2.0 Assessment

- 2.1 As paragraphs 6.22 and 6.24 of the original report (appended to this report) sets out, there is some doubt as to whether airships and helicopters can lawfully use the site, but in order to avoid further lengthy enforcement action that may possibly result in no control being exercised, restrictions on airships and helicopters had been agreed (although it now turns out that the nature of restriction on airships was not agreed).
- 2.2 In recommending a restriction on the number of airship movements to a maximum of 65 a year, Staff's intention was to limit any experience flights to a short period, whilst also allowing an airship to be based at the aerodrome whilst being used to cover major events. The restriction now being proposed would effectively limit the experience flights to a maximum of 14 days a year. The period where an airship could use the site would be longer than the original intention, but with a limit of 2 movements per day.
- 2.3 It is considered that the restriction in relation to airships now proposed should ensure that the impact on residential amenity and the green belt would be within acceptable limits.

3.0 Conclusion

- 3.1 It is considered that the proposed change to the clause regarding airships would be acceptable and that planning permission should be granted, subject to the completion of a satisfactory legal agreement.
- 3.2 The report to committee of 22 August 2013 is included as an Appendix to this report.



REGULATORY SERVICES COMMITTEE

REPORT

22 August 2013

Subject Heading:

P0010.12 – Damyns Hall Aerodrome,
Aveley Road, Upminster

Demolition of existing buildings and
replacement with new hanger
constructed within a landscaped
compound. The compound also to
provide all outside parking for home
based aircraft.

(Application Received 16 April 2012)

Report Author and contact details:

Helen Oakerbee, Planning Manager
helen.oakerbee@havering.gov.uk

Policy context:

National Planning Policy Framework
Local Development Framework

Financial summary:

None

The subject matter of this report deals with the following Council Objectives

Ensuring a clean, safe and green borough	<input checked="" type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input checked="" type="checkbox"/>
Value and enhance the life of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

Damyns Hall Aerodrome is a site in mixed aerodrome and agricultural use located to the south of Upminster, within the Green Belt. A number of enforcement notices have been served including those in relation to unauthorised buildings and intensification in the aerodrome use, which were upheld on appeal due to adverse impact on the openness of the Green Belt.

The current application is to provide a building and outdoor area to provide light aircraft storage and includes the demolition of some existing lawful buildings on the site. Subject to conditions and legal agreement, it is considered that the proposal, although inappropriate development, would not have any greater impact on the openness of the Green Belt and that there are very special circumstances that overcome the in principle harm. On balance, it is considered that the impact on residential amenity would be within acceptable limits. It is recommended that planning permission be granted.

RECOMMENDATIONS

That the Committee notes that the development proposed could be liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be up to £10,800. This is based on the creation of 540m² of new gross internal floor space.

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- That the aerodrome use of the land be limited to use by light aircraft, save for the use by helicopters and airships as defined and limited within the Legal Agreement.
- Helicopters Movements – That there will be no more than 5 helicopter movements (movements to be defined as one in, one out) in any week (Monday-Sunday).
- Airship Movements – That there will be no more than 65 airship movements in any calendar year. That a log be kept of all airship movements.
- The above not to apply when temporary events that are taking place as permitted development in accordance with Part 4 of the Town and Country Planning (General Permitted Development) Order 1995, or any enactment superseding or replacing that order with similar provisions.
- To set up and run a consultative committee whose remit would be to bring to the attention of the aerodrome operators any current issues in relation to the

aerodrome and to instigate a complaints policy agreed between the consultative committee and the aerodrome operators

That Staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

1. Time limit - The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason: 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).

2. Accordance with plans - The development hereby permitted shall be carried out in complete accordance with the approved drawings listed on page 1 of this decision notice.

Reason: To accord with the submitted details and LDF Development Control Policies Development Plan Document Policy DC61.

3. Removal of Buildings – The hanger building and outdoor light aircraft parking area hereby approved shall not be brought into use until the T hangers, tractor shed, barn building and shipping containers as identified on drawing numbers DHA-100 Rev A and DHA-200 are demolished and all material arising from demolition removed from the site.

Reason: To ensure that the openness of the Green Belt is preserved in accordance with Policy DC45 of the Local Development Framework and the National Planning Policy Framework.

4. No parking or storage of aircraft – Except for non-home based light aircraft, visiting the site for less than a 24 hour period (or other period previously agreed in writing by the Local Planning Authority) and light aircraft parked/stored within the area shown as “parking out area” on drawing number DHA-101, no aircraft shall be parked or stored anywhere in the open air on the site. For the purposes of this condition, light aircraft does not include helicopters or airships, for the avoidance of doubt however airships may be tethered overnight whilst in use in connection with event filming/broadcasts.

Reason: To ensure that the openness of the Green Belt is preserved in accordance with Policy DC45 of the Local Development Framework and the National Planning Policy Framework.

5. No outdoor storage – Other than light aircraft stored/parked in accordance with and as defined in Condition 4 and farm machinery required in connection with the agricultural use of the site, there shall be no outdoor storage of any items or materials.

Reason: In order to ensure a satisfactory external appearance and prevent harm to the openness of the Green Belt, in accordance with Policies DC45 and DC61 of the Local Development Plan and the NPPF.

6. Bund and Landscaping – The hanger building and outdoor light aircraft parking area hereby approved shall not be brought into use until the bund and landscaping has been provided in accordance with Drawing No.DHA-101. The approved bund shall be retained thereafter. Any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory visual appearance in accordance with Policies DC45 and DC61 of the Local Development Plan.

7. Archaeology – A) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority.
B) No development or demolition shall take place other than that in accordance with the Written Scheme of Investigation approved under Part (A).
C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development (including historic buildings recording), in accordance with Policy DC70 and NPPF.

12. Materials - Before any of the development hereby permitted is commenced, details of the finished external colour of the building shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

13. Maximum number of light aircraft – There shall be no more than 50 light aircraft stored on the site at any time. No other aircraft, including helicopters, shall be stored on the site, except for airships tethered overnight in whilst in use in connection with event filming/broadcasts.

Reason: In order to ensure that the activity associated with the use of the site as an aerodrome is kept within acceptable limits in the interests of residential amenity and the openness of the Green Belt in accordance with Policies DC45, DC55 and DC61 of the Local Development Plan.

14. Restriction on Use – The building and open parking area hereby approved shall only be used for the storage/parking and maintenance of light aircraft or agricultural machinery and for no other purpose. For the purposes of this condition, light aircraft does not include helicopters or airships, for the avoidance of doubt however airships may be tethered overnight whilst in use in connection with event filming/broadcasts.

Reason: In order that the local authority may control the use of the site in the interests of visual amenity, residential amenity and openness of the Green Belt in accordance with Policies DC45, DC55 and DC61 of the Local Development Plan.

15. External lighting – No external lighting shall be installed on the site, except in accordance with details that have previously been submitted and approved in writing by the Local Planning Authority.

Reason: In order to ensure that lighting does not appear obtrusive or result in loss of residential amenity, in accordance with Policies DC45 and DC61 of the Local Development Plan.

INFORMATIVES

5. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.
6. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
7. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
8. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be up to £10,800. CIL is payable within 60 days of

commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly. Further details with regard to CIL are available from the Council's website.

REPORT DETAIL

1. Site Description

1.1 Damyns Hall Aerodrome is site in mixed use as agriculture, aerodrome and limousine business covering an area of approximately 48.5 hectares, located to the west of Aveley Road and north of Warwick Lane, approximately 1km south of the built up area of Upminster. The site contains a number of buildings and open areas, including:

- two grass runways;
- open fields, some of which are used for crop production;
- a storage/administrative building including a café for users of the site (ancillary use), offices and light aircraft storage;
- a residential mobile home;
- an unauthorised hanger building, subject to enforcement notice (see planning history below);
- a “tractor shed” dutch barn building providing storage for agricultural machinery;
- a barn building and associated yard with storage containers, used in association with a limousine business;
- to the west of the barn building a large vegetated bund formed of hardcore, up to 6 metres in height;
- an unauthorised area of hardstanding used as a car park (see planning history below)
- two “T” hangar buildings used to store light aircraft.

1.2 The main access to the site is from Aveley Road, running alongside Damyns Hall Cottages.

1.3 The site is surrounded by mainly agricultural land, some longstanding commercial uses and some residential properties along the north and south of Aveley Road.

1.4 The site is within the Metropolitan Green Belt.

2. Description of Proposal

2.1 It is proposed to create an area within the site currently occupied by the limousine business for the storage of light aircraft, including a hangar building and open light aircraft storage.

- 2.2 The proposed building would cover an area of 540 square metres, being 45 metres long by 12 metres wide and with a sloping roof, 5 metres high at the front of the building and 4 metres high at the back.
- 2.3 To the front of the building would be a hard surfaced area providing access to the aerodrome taxiing areas and runways. To the west of this would be an area of grassed grid concrete providing an outdoor parking area for light aircraft. It is estimated that 35 light aircraft could be stored in this area, 15 within the building and 20 in the open area. Surrounding the building and parking area would be up to 3 metre high earth bunds, formed from the current 6m high bund, topped with soil and seeded with grass, with openings at each end providing access. Beyond the bunds would be two areas of tree planting.
- 2.4 As part of the proposal, a number of existing lawful buildings would be removed from the site:
- the barn building and storage containers used in association with the limousine business;
 - the tractor shed;
 - two “T” hangers
- 2.5 The location of the proposed hangar site is close to where the original Damyns Hall House was located and an archaeological statement has been submitted in support of the application.

3. Relevant History

- 3.1 There has been a number of planning applications and enforcement notices served in relation to the use of the site as an aerodrome which are particularly relevant to this current application. The Planning and Enforcement history in relation to the site is outlined below.
- 3.2 **Historic Use of Site** - The site was owned by a local farmer who for many years used the site for the taking off and landing of light aircraft, both for his own use, use by flying clubs and use by individual enthusiasts. The aerodrome consisted of a grass runway and a hangar building, surrounded by fields of crops.
- 3.3 There is no record of planning permission ever being granted for the use of the site as an aerodrome.
- 3.4 **Background to Enforcement Notices** - In 2005, following the death of the site owner, the land was sold. The new owner of the site contacted staff in Planning as to possible future development of the site. He was advised that as there were no planning records that an aerodrome lawfully existed on the site, he should apply to establish the lawfulness of the use. An application for a Certificate of Lawfulness of Existing Use (Council Ref: E0005.06), with details of the historic use of the site, was submitted in early 2006. The Certificate was issued in 2007, confirming that the use as an aerodrome was lawful, but based

on the information provided, limited to storage of a maximum of 15 aircraft being stored inside the existing hangar building.

3.5 In 2006, complaints were received that a new hangar building was being erected and that flying activity from the site had substantially increased. In 2007, complaints were received that helicopter flights were taking part from the site. In 2008, complaints were received that an airship was operating from the site.

3.6 In part in response to the investigation into the complaints, in 2007 and 2008 planning applications were submitted relating either to retention of buildings/intensified use or for new development:

P1861.07 - Change of use of land for the purposes of stationing 2No. mobile homes - refused 16 November 2007.

P1858.07 - Construction of car park for 125 cars to serve Aerodrome- refused 21 December 2007

P1860.07 - Change of use of land for the purposes of stationing a single portable office unit- refused 21 December 2007

P1866.07 - Change of use of land for the purposes of stationing a double portable office unit - refused 21 December 2007

P1859.07 - Change of use from agriculture to composite use including agriculture and aerodrome - refused 21 December 2007

P1871.07 – Change of use of agricultural barn for aircraft hangar and hardstanding – refused 16 November 2007

P2031.08 – Temporary stationing of three portable office units – refused 22 January 2009.

P1924.08 - Change of use of agricultural barn for aircraft hangar and hardstanding - refused 20 March 2009.

All the applications were refused under delegated powers, principally for reasons related to impact on the Green Belt and impact on nearby residents.

3.7 As a result of investigations into buildings and use of the site, a report to the Regulatory Services Committee on 18 September 2008 identified a number of planning breaches at the site and recommended enforcement action. The Committee resolved to take enforcement action as recommended.

3.8 **Enforcement Action and Appeal** - Enforcement notices were served and were subject to appeal which took place by way of public inquiry in January 2010. The appeal also dealt with the refusals of planning permission for the retention of portable office building and the hangar building, the latter of which was refused by the Regulatory Services Committee on 19 March 2009.

3.9 A Public Inquiry took place to consider the appeals with the appeal decision being issued on 8 June 2010. The Inspector decided that some aspects were unacceptable and dismissed the appeals with enforcement notices upheld, whilst a couple of the breaches were granted planning permission subject to conditions. The owner of the site appealed to the High Court in regard to some aspects of the Inspectors decision. The application was dismissed by the High Court on 10 December 2010.

3.10 Summary of Outcome of Appeal

Breach of Planning Control	Inspectors Decision	Inspectors Reasons	Current Status
Aircraft Hangar Building	Dismiss appeal, uphold enforcement notice with variation.	The building is not an agricultural building and therefore not permitted development. It is a substantial building that causes serious harm to the openness of the Green Belt.	The enforcement notice was altered to allow 12 months (8 June 2011) to remove the building and 18 months (8 Dec 2011) to restore the land. The hangar remains in place.
Material intensification of use of site	Dismiss appeal, uphold enforcement notice with variation	The certificate confirms that the lawful use of the land was for keeping of 15 light aircraft. The keeping of 41 light aircraft on the site is a material increase requiring planning permission. Storing aircraft in the open decreases the openness of the Green Belt. A limitation on numbers stored on the site is preferable to a limit on flight numbers.	The enforcement notice was varied to allow 12 months (8 June 2011) to reduce the number of light aircraft stored to 15 and to be stored in the lawful hangar building. Outdoor storage of aircraft continues to take place.
Siting of Residential Mobile Home	Allow appeal, enforcement notice quashed	The mobile home is required for security purposes and therefore a temporary planning consent would be appropriate.	Temporary planning permission has been granted, which expired on 1 July 2013, and limited to occupation of employees of the aerodrome.

Three portable office buildings	Dismiss appeal, uphold enforcement notice with variation	The buildings are of considerable size and have a degree of permanence and therefore they are development requiring planning permission. The buildings add to the built form of the site and reduce the openness of the Green Belt.	The enforcement notice was varied to allow 12 months to remove the office buildings. The buildings have been removed.
Café use of building	Dismiss appeal, uphold enforcement notice with variation	Agreed by parties that café use is inappropriate.	Café should only be open to aerodrome users and not members of the public
Additional Decking	Dismiss appeal, uphold enforcement notice with variation	Agreed by all parties that part of decking not authorised	Decking has been removed to comply with notice
Hardcore Car Park	Allow appeal, enforcement notice quashed	In association with the lawful use, a small car park would be necessary. Provided its size is reduced by half and suitably landscaped and car parking does not take place anywhere else, then the harm to the Green Belt is minimised.	Planning permission granted for car park, subject to scheme to reduce size by half and landscaping. Planning application reference P1242.12 submitted seeking alternate car park – currently under consideration.

3.11 A planning application (Ref. P0617.13) has been submitted for an extension to the club building. This has yet to be determined.

4. Consultations/Representations

4.1 The application has been advertised by way of site and press notice as well as notification to occupiers of nearby properties. Nine letters of objection have been received, raising the following points:-

- the enforcement notices should be complied with before any more planning applications are considered;

- further commercialisation of Green Belt land;
- use of local footpaths and other recreational space is disturbed by noise of aircraft and helicopters;
- proposal would be detrimental to the Green Belt;
- proposal would result in increased aircraft movements to the detriment of safety;
- helicopter use should be restricted;
- activity at the site has increased significantly since the ownership of the site changed;
- increased traffic using access on a dangerous bend;
- noise and loss of privacy has been caused to residents from aircraft, wing walker plane, airships, model aircraft flying and shows taking place;
- increases in flights could lead to a commercial air business being located at the aerodrome.

4.2 The Highways Authority has raised no objection to the proposal.

4.3 English Heritage Archaeology have requested a condition to provide a watching brief during construction works.

5. Relevant Policies

5.1 The National Planning Policy Framework, in particular Sections 1 (Building a strong, competitive economy) and 9 (Protecting Green Belt land) are relevant to the application.

5.2 London Plan Policies 7.15 (Reducing Noise and Enhancing Soundscapes) and 7.16 (Green Belt) are relevant to the application.

5.3 The Local Development Framework, Core Strategy and Development Control Policies Development Plan Document Policies DC18 (Protection of Public Open Space, Recreation, Sports and Leisure Facilities), DC32 (The Road Network), DC45 (Appropriate Development in the Green Belt), DC55 (Noise), DC70 (Archaeology and Ancient Monuments) and DC72 (Planning Obligations) are relevant to the application.

6. Staff Comments

6.1 The main considerations in relation to this application are the principle of development, compliance with Green Belt policy including the impact upon the openness of the Green Belt, quality of the design, the need to support economic growth, impact upon residential and other amenity, the impact on the highway and whether there are any very special circumstances to allow inappropriate development in the Green Belt. The Inspectors decision in relation to the enforcement notices and refused planning permissions is considered to be a relevant consideration in the determination of the application.

Principle of Development

- 6.2 The use of the land as an aerodrome as part of a mixed agricultural unit is lawful and therefore development of an associated building does not raise any fundamental land-use objection. The site is within the Green Belt and this forms the principle consideration in this case. Paragraph 79 of the National Planning Policy Framework (NPPF) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open with the essential characteristics of Green Belts being their openness and their permanence. The Green Belt issues are considered further below.

Green Belt Considerations

- 6.3 Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision for appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

- 6.4 Paragraph 88 of the NPPF states that local planning authorities ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

- 6.5 Paragraph 90 of the NPPF states what other forms of development would not be inappropriate. These are:

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement for Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build Order.

- 6.6 Policy DC45 of the LDF states that planning permission for new buildings will only be granted if they are essential for agriculture and forestry, outdoor recreation, nature conservation or cemeteries. It states further that planning permission for the redevelopment of authorised commercial/industrial sites will be granted provided there is a substantial decrease in the amount of building on the site and improvements to the Green Belt environment.
- 6.7 From the above policy considerations, it is considered that the proposed building would not represent an appropriate building for outdoor recreation. The aerodrome does provide for leisure flying and the aerodrome comprises of many open areas. However, there is also a commercial nature to the operation that includes businesses that offer flying lessons and “flight experiences”. From the information submitted at the appeal, and in subsequent discussions with the aerodrome operators, the aerodrome would only be viable if there was an sufficient income stream from such commercial activities and a minimal number of aircraft are required to be stored on site in connection with this as well as offering those who fly for leisure a base to store their aircraft and undertake flights. This minimal number of aircraft is well in excess of the 15 that can currently be stored within lawful buildings on the site. The Inspector concluded from the evidence submitted at the Inquiry that “this general aviation operation is by no means exclusively an outdoor leisure activity”. It is therefore not possible to conclude that the proposed building is appropriate for outdoor sport and recreation.
- 6.8 It is considered that the proposal would not represent a replacement of a building that is not materially larger. The proposal involves the replacement of an existing building and shipping containers that are currently used for storage and workshop purposes in connection with a limousine business. However, the building is materially larger – floorspace increasing from 211 square metres to 540 square metres, volume increasing from 1118 cubic metres to 2430 cubic metres.
- 6.9 Policy DC45 requires that where there is a total redevelopment of a commercial site that there should be a substantial decrease in built form on the site. This policy has, to an extent, been superseded by the less onerous but more up to date NPPF policy that allows partial or total redevelopment of brownfield sites provided that there is no greater impact on the openness of the Green Belt. It is considered that the proposal would not meet this requirement as the extent of land taken by the proposed building and aircraft parking area is greater than taken by the current building and yard area and includes some of the undeveloped green area surrounding the building.
- 6.10 The development includes an area of land to provide outdoor storage of aircraft. This, and the proposed building, represents a material increase in the aerodrome use of the land as confirmed by the Certificate of Lawfulness issued in 2007. Such changes of use are not included in the list of appropriate development in the NPPF.
- 6.11 For the reasons outlined above, it is considered that the development does not meet any of the policy exceptions and would be inappropriate development in

the Green Belt. There would therefore need to be a demonstration of very special circumstances to outweigh the harm to the Green Belt through inappropriateness. Before considering the very special circumstances, it would be appropriate to consider other relevant considerations with the proposal, including the impact upon the openness of the Green Belt.

Impact on the Openness of the Green Belt

6.12 The proposed hangar building would have a floorspace of 540 square metres and a volume of 2430 cubic metres and a maximum height of 5 metres. As part of the development of the hangar building, it is proposed to demolish a number of buildings around the aerodrome site, including:

- the current building on the site of the proposed building, which has a floorspace of 212 square metres, a volume of 1118 cubic metres and a maximum height of 6.5 metres;
- the Dutch barn building, which has a floorspace of 100 square metres, a volume of 648 cubic metres and a maximum height of 7.8 metres;
- a large T hangar building with a floor area of 67 square metres, a volume of 172 cubic metres and a maximum height of 3.72 metres;
- a small T hangar building with a floor area of 57 square metres, a volume of 136 cubic metres and a maximum height of 2.75 metres;
- a number of containers and shed buildings around the current limousine business building totalling 140 square metres in floor area and 365 cubic metres in volume.

All these building are considered to be lawful. There is a large silver hanger building on the site, but this is subject to an enforcement notice requiring its removal and does not form part of the assessment of openness in this case.

6.13 On a pure numerical assessment, there would be a decrease of 36 square metres in the total floorspace of buildings on the site (from 576 to 540 square metres) and 39 cubic metres in the total volume of buildings (from 2439 to 2430 cubic metres). There would therefore be a slight decrease in the total amount of built form on the site.

6.14 The Dutch barn and T hangar buildings stand within quite open parts of the site and their removal would improve the openness of the respective parts of the site. The building used for the limousine business and the area around it is fairly untidy, including containers and other open storage. The 6 metre high bund formed mainly of hardcore as well as material from the former Damyns Hall which stood on this site further detracts from the openness of this part of the site. In terms of the impact of the proposal on the openness of this part of the site it is considered relevant that the proposed building would not be as high as the building it replaces, that the bund would be reduced in height and its appearance improved by adding a topsoil layer and grass seed. It is also considered that the aircraft storage would largely be obscured from views due to the bund. Compared to the current part of this site it is considered that the impact on the openness of the Green Belt would not be significant. Associated with improvements to openness of the site elsewhere, overall it is considered

that the proposal, subject to conditions requiring removal of buildings from the site and restricting storage of aircraft to the proposed area, would improve the openness of the Green Belt.

Design Considerations

- 6.15 The proposed building would be of a fairly low profile and with external materials of sheet metal and large sliding doors, the finished colour to be agreed and subject to condition. The building would appear similar to many modern agricultural buildings and would not look particularly out of place, particularly given the current state of the building and land on which it would be placed and the proposed bund and landscaping to be provided.
- 6.16 The proposed design is considered to be acceptable, in accordance with Policy DC61.

Economic Considerations

- 6.17 Paragraph 19 of the National Planning policy Framework states that significant weight should be placed on the need to support economic growth through the planning system. The application has been submitted in response to enforcement action against unauthorised hangar building and outdoor storage of aircraft. The number of aircraft based at the aerodrome is currently around 42. If this number was to be reduced to the 15 required by enforcement notices, it has been argued by the applicant that this would seriously affect the ability of the aerodrome to operate as a going concern with consequent loss of employment. The applicants have stated further that the aerodrome has become a popular local attraction for those interested in aviation and that the aerodrome supports the annual Military Show and that its loss would be detrimental to the local area.
- 6.18 It is considered that some weight can be given to these considerations, although they are not determinate in this case.

Impact on Residential and Other Amenity

- 6.19 The proposed building and outdoor aircraft storage would be situated a minimum of 385 metres from the nearest residential property at Damyns Hall Cottages. At this distance, there would be no significant noise issues from the operation of aircraft or undertaking maintenance in the building or the area to the front of it.
- 6.20 The proposal would result in an increase in the number of aircraft that can be based at the aerodrome – rising from 15 to a maximum of 50. This would be likely to increase the levels of comings and goings in vehicles to/from the property. The access road into the site is a minimum of 17 metres from the nearest house, although it does run nearer to the garden area of 1 Damyns Hall Cottages. Given that most comings and goings would be during the day and that the existing Aveley Road is relatively busy, the increase in disturbance caused by more vehicles accessing the site is not considered to be significant.
- 6.21 Noise from light aircraft can be disturbing, mostly noise when the aircraft is on the ground about to take off. Light aircraft flying overhead further away from the

aerodrome are not considered to cause significant noise disturbance. Training of pilots may involve circuits where planes land and take off again immediately, circle the airfield to land again but it appears that this type of flying activity has taken place since the aerodrome has been in use. There is a wing walking plane based at the aerodrome which flies at low level around the aerodrome site and causes some disturbance, although it is only used occasionally. At times over the last few years, helicopter “experience” and tour flights have been based at the aerodrome with helicopters hovering over the site and/or flying low around the surrounding areas. At busy times, this has resulted in complaints being received. Also in the past commercial airship tours of London have taken place from the site with a large airship based at the site for the summer and flying in low when taking off/landing. More recently an airship that supplies images for broadcast has been parked overnight during major events in London, although this has attracted few complaints.

- 6.22 This issue of noise was discussed at the appeal with the Council arguing that the use of the site by helicopters and airships was not lawful as the Certificate referred to “light aircraft” and that the use by helicopters and airships caused the most disturbance. The appellants argued that airships and certain helicopters fell within the definition of light aircraft and could legitimately use the site. The Inspector, perhaps because he felt he did not have to, did not conclude either way on the issue of the lawfulness of helicopter and airship use of the site. The Inspector concluded that a limitation on the number of aircraft on the site was the most effective control. The Inspector considered that good neighbourliness could solve many of the issues – e.g. using the north-south runway more often and taxiing to a point further from the houses before take-off. However, the Inspector considered that such practices were difficult to enforce through planning conditions and also considered that a limit of the total number of flights would be difficult to enforce. At the appeal, the appellants submitted a unilateral undertaking under Section 106 of the Town and Country Planning Act, obligating them to set up a consultative committee which would instigate a complaints process to bring matters to the aerodrome operators. Although there was no restriction on this obligation coming into effect (e.g. dependant on appeal being allowed), the consultative committee has not been set up.
- 6.23 In the case of the present application the proposed building and aircraft storage would be closest to the north-south runway. Aircraft using this runway would take off away from any residential properties and therefore there could be less disturbance from light aircraft to the nearest residential properties, although it would be difficult to require aircraft to use this runway as it would depend on wind direction. There would be the potential for more aircraft movements as there would be the ability to have more aircraft on site.
- 6.24 In negotiation with the aerodrome owners, rather than the possibility of further lengthy enforcement action which could be unsuccessful for either side it has been suggested that if the majority of helicopter movements could be controlled, this would go some way to addressing noise issues and could allow some additional aircraft (light aircraft) to be stored at the site. In this regard the applicant has agreed to limit the maximum number of helicopter movements to

five in any week. This would ensure that experience flights and hovering above properties is minimised. The applicant has also agreed to limit airship movements to a maximum of 65 in any year, which again should limit any experience flights to a short period or enable the airship that covers major events (and causes little or no disturbance) to continue to use the site. These controls would not apply when events are taking place at the site – under planning legislation the site can be used for up to 28 days in any year for temporary uses. The applicant has also agreed to the setting up of the consultative committee. These requirements would be secured through a S106 legal agreement.

- 6.25 On balance, with the legal agreement, it is considered that the degree of additional noise and disturbance as a result of more aircraft being stored on the site is not so significant as to warrant refusal of planning permission, although Members would be entitled to take a contrary view. A Condition is recommended to that limits the total number of aircraft stored at the site. It is suggested that this be 50, 15 that can currently be stored in the lawful hanger/club building and 35 in the proposed building/outdoor storage area.

Highway Impact

- 6.26 As a result of the proposal, there would likely be an increase in vehicle movements using the access on Aveley Road. The Highways authority have not raised an objection to the application, although objections have been received that the access to the site is on a dangerous bend in the road.
- 6.27 The issue of the safety of the access was examined at appeal, with the Inspector agreeing with the appellant's highway witness who considered that the visibility for emerging traffic at the junction with Aveley Road is good.
- 6.28 The proposal would not result in a significant increase in traffic and therefore it is considered that there are no highway safety concerns.
- 6.29 At appeal, planning permission was granted for a car park, but subject to it being reduced in size and landscaping being provided. A current planning application (P1242.12) seeks to amend this permission to provide an overflow area to provide additional parking if necessary. The car park application is, to an extent, dependent on this present application as it would influence the size of car park required. Therefore the car park application would be considered subsequent to any decision on the present application. On the basis of the car park application there would be at least 32 parking spaces available in the car park, although parking can take place elsewhere on the site.
- 6.30 It is considered that the site has sufficient space to accommodate any additional parking demand arising from the proposal.

Very Special Circumstances

- 6.31 Having established that the proposal represents inappropriate development in the Green Belt. It now needs to be considered whether there are any very special circumstances that outweigh the harm to the Green Belt.

- 6.32 As concluded above, the proposal has a limited impact on the openness of the Green Belt. Some isolated buildings would be removed from the site and the openness from many vantage points would be improved. This is considered to carry significant weight in favour of the development.
- 6.33 The existing limousine business area which includes a high hardcore bund, tired looking building, containers and open storage would be improved with the new building, bund, landscaping and open aircraft storage area. This is considered to carry significant weight in favour of the development.
- 6.34 The retention of employment at the aerodrome and provision of an attraction in the Borough carries some limited weight in favour of the development.
- 6.35 The introduction of additional controls over helicopter and airship movements carries some limited weight in favour of the development.
- 6.36 Taking all the above factors into consideration, and in particular that the proposal does not affect the openness of the Green Belt to any significant degree, it is considered that in this particular case there are sufficient very special circumstances to outweigh the harm to the Green Belt through inappropriateness.

Other Activities Taking Place at the Site

- 6.37 There are other activities taking place at the site which are currently being investigated or monitored. These include a number of events that are taking place under the 28 day temporary use permitted development. There is a model aircraft club based at the site which would require planning permission. No application has been submitted to date. Temporary planning permission granted for the mobile home on the site has recently expired and the applicants have been informed that a planning application should be submitted if this is to be retained on the site.
- 6.38 None of the above are considered either to influence the outcome of, or prevent a decision being made on, the current application.

7. Mayors Community Infrastructure Levy

- 7.1 The proposal includes new buildings totalling 540 square metres. As the buildings to be demolished are more than this, it is possible that no CIL would be payable, but this depends on whether the buildings have been in use for the 6 months preceding the commencement of the development. In the circumstances, an informative should be added that up to £10,800 CIL may be payable.

8. Conclusion

- 8.1 In conclusion it is considered that the proposal, although inappropriate development, would not have any greater impact on the openness of the Green Belt and that there are very special circumstances that overcome the in principle harm.

- 8.2 Whether the proposal, which would likely result in increased aircraft movements from the site, would cause unacceptable increase in noise disturbance is a matter for judgement for Members. It is considered that the lawful aerodrome use does cause some disturbance, but that the position of the additional aircraft storage area (including hangar) close to a less disturbing north-south runway, the establishment of a consultative committee and limitations on helicopter and airship use of the site does satisfactory limit any increase in noise and disturbance.
- 8.3 It is considered that the proposal accords with the relevant national, London Plan and local planning policies identified in this report. It is recommended that planning permission be granted, subject to legal agreement and conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None directly arising from this application.

Legal implications and risks:

Legal resources will be required for the completion of a legal agreement

Human Resources implications and risks:

None

Equalities implications and risks:

None

BACKGROUND PAPERS

Application forms, plans and supporting documents

Appeal Decision References APP/B5480/C/09/2096896, 2105342, 2105343, 2105344, 2105346, 2105347, 2105348, 2105349, APP/B5480/A/09/2100488 & APP/B5480/A/09/2101867