



Application for removal or variation of a condition following grant of  
 planning permission. Town and Country Planning Act 1990.  
 Planning (Listed Buildings and Conservation Areas) Act 1990

**ERE/0210/001**

**Publication of applications on planning authority websites.**

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

**1. Applicant Name, Address and Contact Details**

Title:  First name:  Surname:

Company name:

Street address:

Town/City:

County:

Country:

Postcode:

Telephone number:  Country Code:  National Number:  Extension Number:

Mobile number:

Fax number:

Email address:

Are you an agent acting on behalf of the applicant?  Yes  No

**2. Agent Name, Address and Contact Details**

Title:  First Name:  Surname:

Company name:

Street address:

Town/City:

County:

Country:

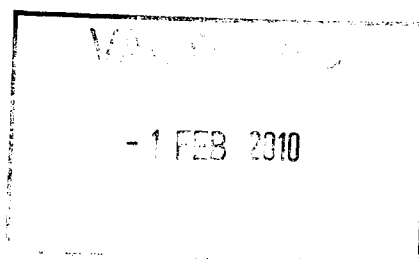
Postcode:

Telephone number:  Country Code:  National Number:  Extension Number:

Mobile number:

Fax number:

Email address:



### 3. Site Address Details

Full postal address of the site (including full postcode where available)

Description:

House:  Suffix:

House name:

Street address:

Town/City:

County:

Postcode:

Description of location or a grid reference  
(must be completed if postcode is not known):

Easting:

Northing:

### 4. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

Yes  No

### 5. Description of Proposal

Please provide a description of the approved development as shown on the decision letter:

Application reference number:  Date of decision:

Please state the condition number(s) to which this application relates:

Condition number(s):

Has the development already started?  Yes  No If Yes, please state when the development was started:

Has the development been completed?  Yes  No

### 6. Condition(s) - Removal

Please state why you wish the condition(s) to be removed or changed:

If you wish the existing condition to be changed, please state how you wish the condition to be varied:

### 7. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?  Yes  No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

The agent  The applicant  Other person

### 8. Certificates (Certificate A)

#### Certificate of Ownership - Certificate A

#### Town and Country Planning (General Development Procedure) Order 1995 Certificate under Article 7

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) of any part of the land or building to which the application relates.

Title:  First name:  Surname:

Person role:  Declaration date:   Declaration made

## 8. Certificates (Agricultural Holdings Certificate)

### Agricultural Holding Certificate

#### Town and Country Planning (General Development Procedure) Order 1995 Certificate under Article 7

Agricultural Land Declaration - You Must Select Either A or B

(A) None of the land to which the application relates is, or is part of an agricultural holding.

(B) I have/The applicant has given the requisite notice to every person other than myself/the applicant who, on the day 21 days before the date of this application, was a tenant of an agricultural holding on all or part of the land to which this application relates, as listed below:

Title:  First Name:  Surname:   
Person role:  Declaration date:   Declaration Made

## 9. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information.

Date

## **Supporting Statement for the submission of a planning application to vary condition no. 3 on permission ERE/0709/0027 to allow daily take off and landing events at Laburnum Cottage, Cat and Fiddle Lane, West Hallam, Derbyshire for Mr. J. Windmill**

### **Introduction**

This statement is written in support of the above application to vary the condition with additional information and also provides general results of research and informal consultations made of regulatory bodies who would be consulted in the normal course of a planning application of this type.

### **Highways**

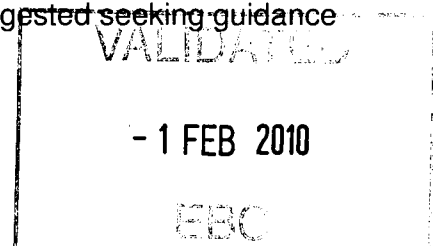
Having spoken to Kevin Barton (Development Control - Environmental Services) I am informed that their only concern was the proposed flight path corridor and that there were no objections from the CAA. They would not want to see the flight path going over any roads until the recommended safety height was reached. Also there might be some concern if the helicopter came into the sight line from a road which in these circumstances would not be the case. The proposed landing and takeoff corridor indicated on the attached map, has a 300m zone to the west of the proposed helipad location at Laburnum Cottage which is a further 45m from Cat & Fiddle Lane.

The recent approval to allow 24-hour/7 days a week use at Midland Storage and the resulting heavy goods vehicle movements will be of concern to all residents and the Highway Authority alike. The hill on which Laburnum Cottage is situated will be particularly affected by the increase in disturbance from the heavy goods vehicles engine noise which will be extended and increased as they climb the hill or decelerate down from the crest using their engine as a brake.

Relatively the short duration of noise from a helicopter taking off or landing on a daily basis could not be considered less acceptable than the disruption from 24 hour/7 day a week heavy goods vehicle movements up and down Cat & Fiddle Lane.

### **Air Traffic Control**

According to John Cox of Air Traffic Control East Midlands Airport, Cat & Fiddle Lane is outside controlled airspace and there is no interest in the helicopter until the pilot wishes to fly south of the A52/ J25 which is in the northern area of the controlled zone. ATCEM are able to respond to any consultation enquiry which Erewash Borough Council's Planning Department wishes to make and will explain that the helicopter is of no interest to them. They also suggested seeking guidance from the BHAB about flying heights over roads.



## **British Helicopter Advisory Board (BHAB)**

In consulting the BHAB and in particular speaking at length to Peter Rover who is an ex-Navy helicopter pilot and now planning advisor for the BHAB it became clear that it is the possibility of engine failure which is the major concern with helicopters. For example only twin engined helicopters may fly into populated areas and land on rooftops as they are still able to manoeuvre if one engine fails. One of the assessed factors is the horizontal distance required before the safer height of 100 feet is reached. To take account of minimum climbing and descending flight paths, a distance 300m is proposed and is indicated on the attached map. After this height there are more options open to a pilot in the event of an engine failure. As further height is gained there is the greater possibility of achieving auto rotation to make a safe controlled landing.

Rule 5 of air regulations states that there must be no danger to persons on the surface. So it is advisable to have a clear run of 300m from the helipad and the corridor proposed will represent no danger to neighbours or other persons on the ground in the event of a failed take off. There is a footpath at the northern end of the corridor but it not proposed to take off or land whilst walkers are using the path and are visible.

The BHAB advised that if the helicopter does not use a hard standing or building no planning permission is required provided it is not used for more than 28 days in 365. However as we need a hard standing to move the aircraft around on the ground and a hanger to store it. We seeking planning permission for the helipad and for the change of use of the barn.

A helicopter may fly at say, 200 feet over open ground provided there was no person or structure within 500 feet. Conditions which refer to this restriction would be acceptable. The helicopter will therefore take off and land in an arc over the open country away from Cat & Fiddle Lane and the A6069 only crossing these roads when a height of 500 feet or more has been reached.

### **Level of operation required**

There is a daytime only restriction on all private helicopter licences and therefore the aircraft will only be used during daylight hours, depending on the time of year. On average there will be a maximum of one flight a day (take off and landing) and the hours of operation will be generally limited to 0800 - 1900 weekdays/Saturdays and 0900 - 1900 Sundays (subject to the time of year which will shorten the potential operating times in winter). As the applicant regularly spends approximately 14 weeks out of the country there will be periods when this aircraft is not operating.

### **Existing barn and hardstanding**

There is an existing barn which has doors and openings currently of adequate size to accommodate the helicopter and therefore no alteration to this building is proposed. An existing tarmac hardstanding adjacent to the barn is to be used for the landing area. As there is a daytime only restriction on the use of a private

helicopter, no additional lighting is required to aid landing or takeoff. Insurance requirements and necessary security measures will generally result in the aircraft being undercover for the majority of the time.

### **Use**

The proposed helipad and barn are for personal and private use and will be used for flights in daylight during social hours. As part of the ongoing requirements of maintaining a private helicopter licence, it is necessary for the pilot to keep a comprehensive log of all flights including date, weather conditions, start time and duration. In addition to this, each aircraft has its own unique and individual call sign, like an electronic tag, allowing air traffic control to be instantly aware of all aircraft in their controllable air space. This system ensures that all flights are monitored and cross-referenced with flight logs, which have already been provided for inspection as recently requested.

### **Type of helicopter**

The helicopter to be used in this situation is a single engine turbine type which is significantly quieter in operation than conventional piston engine aircraft. A photograph of a similar helicopter is included in the documents being submitted.

### **Temporary Permission**

The applicant would be agreeable to a temporary permission with a review at the time of renewal.

### **History**

An incident in November 2007 whereby a neighbour complaint resulted in the local authority's enforcement officer writing to the applicant was proved to be unfounded. The applicant provided the flight-log extracts for the period in which the alleged illegal activity had taken place. The evidence provided proved categorically that the aircraft was not flying at the time the complainant suggested. To avoid a repeat of this situation and to prevent further nuisance calls, it is considered appropriate to vary the condition so that flights can take place daily if necessary within daylight hours as specified.