

5h 3/11/0530/SV – 1 Modification of Section 2(d) from: "the flying of model aircraft or the running of engines thereof at any time except during Monday to Saturday between the hours of:- (I) 9.00am to 1.00pm and (II) 3.00pm to 7.00pm" to "the flying of internal combustion powered model aircraft or running of engines thereof at any time except Monday to Saturday between the hours of:- (I) 9.00am to 1.00pm and (II) 3.00pm to 7.00pm", and; 2. Modification of Section 2 by the addition of an additional clause as follows:- "The flying of Silent Flight models (eg Gliders and electronic powered model aircraft) be permitted between 9am and dusk on any day of the week" at Land adjoining Walkern Road between, Walkern And Watton At Stone for Mr Geoffrey Feary

Date of Receipt: 29.03.2011

Type: Section 106 Variation – Minor

Parish: BENINGTON

Ward: WALKERN

RECOMMENDATION:

That the Director of Neighbourhood Services be authorised to approve the modification of Section 2(d)(i) of the Section 106 agreement pursuant to planning application 3/92/0226/FP to read as follows:

"not to suffer nor permit the flying of internal combustion powered model aircraft or running of engines thereof at any time except Monday to Saturday between the hours of:- (I) 9.00am to 1.00pm and (II) 3.00pm to 7.00pm"

and, subject to the following additional clause:

The flying of Silent Flight models (e.g. Gliders and electronic powered model aircraft generating a maximum volume of 40dB(A) at 7m) be permitted between 9am and sunset from Monday to Saturday, and not at all on Sundays

Directive:

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body eg. Fire Officer, Health and Safety Executive, Environment Agency (Water Interest) etc. Neither does this permission negate or override any private covenants which may affect the land.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC1, ENV1 and LRC5 and Planning Policy Guidance 2 – Green Belts and 17 – Planning for open space, sport and recreation. The balance of the considerations having regard to those policies and the other material considerations relevant in this case is that permission should be granted.

_____ (053011FP.MC)

1.0 Background:

- 1.1 The application site is shown on the attached OS extract. It is presently used by the Stevenage Model Flying Club for the flying of model aircraft.
- 1.2 Permission was granted in 1992 for this use, subject to restrictions pertaining to the type of aircraft that could be flown, and the hours in which flying could take place.
- 1.3 A Section 106 agreement was also made between the club and the Council in 1992 setting out the operating hours of the club as Monday to Saturday 9am-1pm and 3pm-7pm. In addition, no more than four craft are to be in the air at any time.
- 1.4 The agreement also defined the area within which craft could be flown and beyond which they should not venture; required the club to adhere to the Department of Environment's Code of Practice on Noise from Model Aircraft 1982, and required the airstrip to only be used for the flight and storage of model aircraft and/or agriculture.
- 1.5 It was originally proposed that flying would also be prohibited on bank holidays. The draft Section 106 agreement followed this proposal, but the prohibition was not included in the final version.
- 1.6 This application seeks to vary the terms of the Section 106 agreement to allow the flight of silent aircraft (gliders and electronic airplanes) between 9am and dusk on all seven days of the week. Internal combustion powered craft, which tend to be those that generate the most noise, would continue to be limited to the previously agreed hours.
- 1.7 Officers consider that the proposed extension could be more appropriately defined as 9am to sunset, as sunset is a precisely

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definable time on any given day.

2.0 Site History:

2.1 3/92/0226/FP – Change of use of land for flying model aircraft and installation of storage facility – Approved subject to a S.106 agreement December 1992.

3.0 Consultation Responses:

3.1 Highways have confirmed that the proposal is unlikely to result in any significant impact on the highways network, and do not wish to restrict the grant of permission.

3.2 Environmental Health have no objections to the proposed development

3.3 Any further consultation responses received will be reported to the Committee.

4.0 Parish Council Representations:

4.1 Benington Parish Council has not commented at the time of writing this report, but any representations received will be reported to the Committee meeting.

5.0 Other Representations:

5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.

5.2 Four letters of representation have been received, citing the following concerns:

- Increased noise and disturbance to local residents from the proposed extended hours
- Craft are flown outside of defined area, and can crash on land outside the defined area
- Increased disruption of rural character

5.3 At the time of preparing this report approximately one week remained on the consultation period for this application. Any subsequent representations received will however be reported to the Committee meeting.

6.0 Policy:

6.1 The relevant 'saved' Local Plan policies in this application include the following:

GBC1	Green Belt
ENV1	Design and Environmental Quality
LRC5	Countryside Recreation

6.2 In addition, the following National policy guidance is relevant:

Planning Policy Guidance 2: Green Belts
Planning Policy Guidance 17: Planning for open space, sport and recreation
Planning Policy Statement 23: Planning and Pollution Control

7.0 Considerations:

7.1 The site is located within the Green Belt and has been in use by the Stevenage Model Flying Club for approximately eighteen years. A copy of the Club's rule book is attached as Appendix 2.

7.2 The main considerations are whether the increase in the hours of use of silent flight models would be acceptable with regard to the impact on local resident amenity.

Principle of use and impact on surrounding area

7.3 The land lies within the Green Belt. The proposal involves the expansion of an existing use, approved in 1992. No new construction is proposed, and the use would not materially affect the openness of the Green Belt or the rural character of the site.

7.4 The use was formalised via the 1992 permission following several years of unrestricted flights. Policy LRC5 of the Local Plan states that informal recreation will be encouraged in the countryside where it does not have a significant impact on the local environment or neighbour amenity. The proposal would not represent a significant intensification of the use of the site, with no increase in the number of aircraft airborne at any one time proposed. Although the hours of operation are proposed to be extended, this need not necessarily result in a significant adverse impact on the rural character of the area. Officers have surveyed a selection of other model aircraft clubs from around the country (see Appendix 1). They are typically to be found in rural or semi-rural locations where the disturbance from flights is limited. Appendix 1 also

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highlights the range of hours of use often related to such activities.

- 7.5 The use does not conflict with any of the purposes of including land in the Green Belt. It is therefore considered to be appropriate development in this Green Belt location, in accordance with Local Plan policies GBC1 and LRC5 and the requirements of national PPG2 – Green Belts.

Impact on resident amenity; Craft flown outside defined area

- 7.6 The original proposal attracted a considerable number of comments and objections from local residents. It is considered that local residents are likely to raise concerns about this proposal, although none had been received in writing at the time of this report being prepared.
- 7.7 The applicant has proposed expanding the hours of operation of ‘silent flight’ craft. These craft encompass a mix of styles of craft, the common feature of which is that they generate little or no noise once they are fully airborne. Some such craft have electric powered engines in order to take off, although these are then typically shut off once a suitable height is reached. Engines can be reactivated during flight if necessary.
- 7.8 It must be noted that some electric powered craft are reported to generate considerable noise when airborne. The proposed extension of hours only relates to ‘silent flight’ models that are unpowered for all or the majority of their flight time.
- 7.9 The site is approximately 350m from the nearest house, which lies to the north of the site. The designated flight area for the club is predominantly to the south, west and east in order to avoid flying too close to the houses. The 1982 Code remains the recommended official document for the pastime. The Code recommends that limited run engines be permitted to take off at a minimum distance of 300m from the nearest noise-sensitive locations. The Club’s runway is around 400m from the nearest property.
- 7.10 When originally approved Councillors felt that it was necessary to impose restrictions on the hours of use, including the prohibition of all types of flying on a Sunday. The responses from local residents indicate that the flying of craft continues to be a problem in terms of impact on amenity. Craft are reportedly sometimes flown outside of the defined area. This brings them closer than intended to neighbouring properties and has resulted in some craft crashing on private land.
- 7.11 Officers consider that the greatest disturbance from model aircraft is the noise generated by the engines. Craft powered by internal combustion

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engines typically generate noise of approximately 70-80db. Given the openness of the surrounding area, this noise can travel a considerable distance and be an irritant and nuisance to local residents. Electric and glider aircraft do not typically generate noise except when taking off, at which time they would be more than 300m from the nearest houses. The noise from 'silent flight' electric craft is significantly lower than internal combustion powered craft. Gliders are typically unpowered, although some may have engines.

- 7.12 With the main source of disturbance eliminated or substantially reduced in relation to these types of craft, officers consider that there is justification for extending their permitted operating hours. Allowing the craft to be flown until sunset is considered to be a reasonable extension. The field is not illuminated, and club members can reasonably be expected to not fly when falling light levels restrict visibility to an unreasonable distance. Officers consider that the impact to neighbour amenity could be limited to a reasonable level by requiring planes to be limited to a certain maximum volume, to be determined in the wording of the revised S106 agreement.
- 7.13 Officers have recommended a maximum volume of 40dB(A) at 7m from the craft, which is the standard measuring distance for the assessment of noise from model craft as set in the 1982 Code. 40dB(A) is significantly less than the maximum permitted volume of 82dB(A) for model aircraft as set out in the Code, and officers consider that this level of noise is unlikely to be audible significantly beyond the immediate vicinity of the planes. Members are advised that this figure may require revision at the meeting as the exact maximum volume of 'silent flight' craft has not been confirmed at the time of writing this report.
- 7.14 Although officers consider that the increased hours for the operation of 'silent flight' craft would be unlikely to result in significant additional noise nuisance, the amenity of local residents remains a material planning concern. In determining the initial application it was considered appropriate for local residents to be permitted one day a week in which flying should not take place. Officers consider this to be an appropriate concern, as there is disturbance associated with the use beyond the noise of the craft. In particular, aircraft flying outside of the defined area can cause disturbances to local residents, particularly where this is accompanied by a loss of control and crash.
- 7.15 Accordingly, Officers do not feel that it would be appropriate to allow flying of model aircraft from the site on Sundays. In order that the amenities of local residents be respected, the residents should be

permitted to have one day without flights occurring, as originally agreed. This would be in line with the requirements of Local Plan policy LRC5.

8.0 Conclusion:

- 8.1 The proposed development involves the intensification of an existing use. The existing use is considered by local residents to be a cause of nuisance, both through the noise generated and other considerations.
- 8.2 Officers consider that a limited increase in the hours of use for 'silent flight' models only would be appropriate, as residents are not expected to be subjected to an undue increase in noise.
- 8.3 However, regardless of the lack of noise generated by the 'silent flight' models, it is clear that the flying of the model craft also results in other disturbance to local residents. For this reason officers recommend that the permitted hours of use be extended on the approved days for 'silent flight' models only, but that Sundays remain unavailable for any type of flights for purposes of neighbour amenity.