DELEGATED REPORT

Recommendation Made: 12 July 2011

Reference:- 11/00404/CONDIT **Parish:- Twycross Parish Council**

Applicant:- Mr D Corbett
Cottage Farm
2 Cottage Lane
Norton Juxta Twycross
Atherstone

Location:- Cottage Farm 2 Cottage Lane Norton Juxta Twycross Atherstone Leicestershire

Proposal:- VARIATION OF CONDITION NO. 4 OF PLANNING PERMISSION 09/00813/COU TO AMEND THE NUMBER OF TAKE OFFS AND LANDINGS OF MICROLIGHT AIRCRAFT

Introduction:-

This is an application for variation of condition 4 attached to planning permission 09/00813/COU, which restricts the number and takes offs to 6 and landing to 6 per day.

The previous application (ref: 09/00813/COU) was a renewal of a previous application and sought permission for the change of use of agricultural land to landing and taking off of microlight aircraft.

This application proposes to vary the condition to increase the number of takes off to 12 and landings to 12 per day. It also proposes two days a year where the number and take offs is unrestricted for the use of a charity event, although the hours of use will be restricted.

The applicant states that the current number is too restrictive and that occasionally a higher number is required for charity events and fundraisers.

The site area of the strip is 0.26 hectares and it is located within the agricultural holding of Cottage Farm. The strip is located at one end of a field close to the district boundary with North West Leicestershire District Council. The site is surrounded by fields and is in an isolated countryside location. As such, the site is located outside the settlement boundary of Norton Juxta Twycross, as defined by the adopted Hinckley and Bosworth Local Plan.

Following concerns raised by officers, the applicant has provided a log book of all aircraft movements and re-consultation has been undertaken with the Head of Community Services (Pollution). Further justification has been provided which states that the site has never been used for training facilities, or a training school and that the increase in flights is for visitors and passengers for charity events, for those terminally ill and for fundraising for the air ambulance service.

The application is accompanied by a Noise Impact Assessment which recommends that activity at the airstrip should be limited to 35 microlight aircraft movements per hour.

Planning History

11/00154/BOC	Potential breach of condition 3	Pending	
09/00813/COU	Change of use of agricultural land To landing and taking off of microlight aircraft (renewal)	Approved	25.11.09
06/01274/CONDIT	Variation or amendment of Conditions 1, 3, 5 and 6 of planning permission 06/00863/COU	Withdrawn	09.01.07

06/00044/COND	Change of use of agricultural land To landing and taking off of mircolight aircraft	Appeal against conditions Imposed	23.10.06
06/00863/COU	Change of use of agricultural land To landing and taking off of mircolight aircraft	Approved	11.10.06

Consultations:-

No objections from:-

NERL Safeguarding
Ramblers Association
North West Leicestershire District Council.
Director of Environment and Transport (Highways)
Director of Environment and Transport (Rights of Way)
Head of Community Services (Land Drainage)

Following re-consultation the Head of Community Services (Pollution) has confirmed that the Noise Report covers several scenarios of take offs and landings and that the requested number of movements would fall within current noise guidelines. Concerns are raised that the noise may be intensified but that they did not have sufficient grounds to recommend refusal.

2 letters of objection have been received raising concerns on the following grounds:-

a) impacts upon living conditions of nearby occupiers; noise and privacy intrusion
b) impacts upon a wider scale – Appleby Magna; Snarestone; Austrey; Norton Juxta Twycross
c) commercial interests and club house on site
d) lack of justification of reasons behind the need for increase in movements for personal benefit.
e) military – within low flying corridor

Development Plan Policies:-

Central Government Guidance

Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas.

Planning Policy Guidance Note 24 (PPG24): Planning and Noise

Local Development Framework: Core Strategy (2009)

None relevant

Hinckley & Bosworth Local Plan (2001)

The site is outside the settlement boundary of Norton Juxta Twycross as defined in the adopted Hinckley and Bosworth Local Plan.

Policy NE5: Development in the Countryside

Policy BE1: Design and Siting of Development

Appraisal:-

The principle of the use of the land for the takes off and landings for microlight aircraft has already been established through the earlier grant of planning permission (ref: 06/00863/COU) and subsequent renewal (ref: 09/00813/COU). Condition 4 restricted the number and takes offs to 6 and landing to 6 per day, to ensure that

the proposed use does not become a source of annoyance to nearby residents. Therefore the main considerations with regards to this application are the impact of the proposed variations to the approved scheme upon residential amenity.

Impact Upon Residential Amenity

The use of the airstrip for the taking off and landing of microlight aircraft can potentially be a source of nuisance for nearby residential properties. The airstrip is approximately 460m to the north of Cottage Farm, and is relatively isolated from residential properties. The nearest dwelling is approximately 650m northwest of the airstrip (within the administrative boundary of North West Leicestershire District). The village of Norton Juxta Twycross is approximately 982m to the south east of the airstrip.

The applicant has previously sought to amend this condition, during an appeal against conditions 1, 3, 5, 6 and 10 of original planning permission ref: 06/00863/COU. The applicant sought to allow up to 30 movements – 15 take offs and 15 landing per day, with the Inspector concluding that this could lead to frequent eruptions of noise in the area and that 15 take offs would be more commensurate to a commercial than personal permission. The Inspector felt that there was insufficient evidence provided to justify the increase and the impact of the condition could be monitored throughout the grant of the 2 year temporary permission to establish what extent of flight activity could be permitted from the site without causing unacceptable nuisance.

However, it should be noted that the Inspectors conclusions did not receive the benefit of any noise evidence at the time of appeal and that within this current application, the applicant has provided a Noise Impact Assessment and justification for the increase in number of take offs and landings.

The accompanying Noise Impact Assessment recommends that the use of the airstrip should be limited to microlight aircraft only and that activity should be limited to 35 aircraft movements per hour and kept within the flightpath corridors as detailed in the assessment. The Head of Community Services (Pollution) is satisfied with the results of the report. The applicant, however only proposed 24 movements over one day, and as such this is considered well within the recommended daily movements.

In terms of monitoring, the Head of Community Services (Pollution) has stated that 1 noise complaint has been received since permission was granted in 2006. In 2010, a complaint was received (ref: 10/08367/NOIOTH) from the North Warwickshire Area and was investigated by North Warwickshire Borough Council. The complainant was approximately 3km away and referred to microlights in flight. North Warwickshire Borough Council did not pursue enforcement action.

During the course of the application, the applicant has provided the log book and further justification for the reasons to increase the level of activity. Based on this information, it is considered that the applicant does not intend to benefit financially from the increase in the level of movements, however, following concerns raised regarding the potential commercial operations on site and the erection of a clubhouse, these matters are currently being investigated by the Council's enforcement team, (ref: 11/00154/BOC). Notwithstanding these findings it is considered that these matters do not impact upon the determination of this application as the impacts relate to the number of take offs and landings (and not who intends to be within the microlight aircraft).

It has been considered that the increase in numbers would not give rise to any significant material impacts to sustain a reason for refusal in this case, having regard to the advice provided by the Head of Community Services (Pollution) and that the level of movements can be controlled by the imposition of a planning condition to restrict the number of movements to 24 per day.

Consent is also sought for two charity events over an annual period, whereby the number of public flights is unrestricted in terms of movements, but restricted between the hours of 12 noon and 6 pm. It is considered that given the infrequency of 2 events over a yearly period and between the hours specified would not cause significant impacts upon the occupiers of surrounding residential dwellings. It is, however considered necessary to attach an additional condition to ensure that the Council is notified well in advance of these events.

Conclusion

In conclusion, the principle of this development has already been established through the earlier grant of

planning permission (ref's 06/00863/COU; 09/00813/COU). Given that the increase in level of take offs and landings is well within the recommended level of movements, as described with the accompanying Noise Impact Assessment and accepted by the Head of Community Services (Pollution), it is considered that the impact upon surrounding residential dwellings would be minimal and will be subject to conditions to ensure that the proposed movements are restricted. An additional condition is considered necessary to ensure that the Council is notified prior to any charity events taking place.

Accordingly it is recommended that planning permission be granted, subject to the imposition of the previous planning conditions, and additional conditions imposed, as explained above.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it is considered that the increase in movements would not be to the detriment of residential amenity.

Hinckley & Bosworth Local Plan (2001):- Policies NE5, BE1.

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009): - Policy 13

1 This permission relates to the variation of Condition 4 of planning permission reference 09/00813/COU dated 25 November 2009, a copy of which is appended hereto and the conditions imposed by the decision notice in relation to the previous application shall be deemed to apply to the grant of permission in respect of application 11/00404/CONDIT save in so far as they are amended by virtue of the decision notice in relation to the current application or where variations subsequent to the previous application have been approved in writing by the local planning authority.

2 There shall be a maximum of twelve (12) take off-s and twelve (12) landings in any operation day.

3 Written notification will be given to the Borough Council 28 days prior to the two proposed unrestricted flying days in any one year.

Reasons :-

1 To define the permission and to ensure that all other conditions attached to the original consent still apply.

2 To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

3 To ensure that the Council is notified of unrestricted days of movements, to monitor potential impacts that may arise, to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

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