

APPLICATION NUMBER:	LW/07/0529	ITEM NUMBER:	1
APPLICANTS NAME(S):	Eastbourne And District Model Flying Club	PARISH / WARD:	Ringmer / Ouse Valley & Ringmer
PROPOSAL:	Planning Application for Section 73A Retrospective application for the continued use of land for the purpose of flying model aircraft		
SITE ADDRESS:	Land West Of, Uckfield Road, Stoneham, Ringmer, East Sussex, BN8 5RL		
GRID REF:	TQ 4112		



1. SITE DESCRIPTION / PROPOSAL

1.1 Planning permission is sought for the change of use of land from agricultural to use for model aircraft flying at land west of Uckfield Road, Ringmer. The Eastbourne Flying Club have been using the site for a number of years. The Council have records of flights taking place at the site since 1999, but it is not known whether this was the Eastbourne Flying Club or other flyers. The site is located on land owned by Lower Stoneham Farm, and although being located within Ringmer is directly adjacent to the Parish of Hamsey. The site is accessed by a narrow track across farm land, the entry point to which is a turning off of the A26 Uckfield Road. The site comprises of a slightly raised and mown take off/landing strip. The take off/landing strip is located approximately 840 metres west of the Uckfield Road and approximately 40 metres east of the River Ouse. The surrounding area is characterised by open rural farmland.

1.2 Information submitted by the Flying Club indicates a 300 metre and 500 metre fly zone from the point of launch. An area running from south west of the site through to north west of the site is marked as a no fly zone. There are a number of properties and two churches within Hamsey that lie within 900 metres of the take off/landing strip. The closest buildings to the site include: St Peter's Old Church, approximately 600 metres south of the site, Great North Barn, approximately 610 metres to the south west of the site, Little Bretts, approximately 570 metres east of the site, Hamsey Manor, approximately 680 metres north west of the site and 2 Cowlease Farm Cottages, approximately 730 metres north of the site.

1.3 From club records submitted by the Flying Club, most site meetings involve only a few members at a time with numbers rarely exceeding 10 for a particular session. The number of flights per session can be as high as 50. All model aircraft conform to British Model Flying Association noise limit standards of less than 82 decibels at 7 metres distance. All members are tutored until competent flyers, while the club is also fully insured. Although model planes can fly considerable distances, their effective range is limited by the distance the flyers can see. A standard flying distance is approximately 250 metres from the point of launch, and it is rare that planes will go beyond 300 metres. At this distance it is not possible to see what the plane is doing and safely control it, consequently their range is limited.

2. RELEVANT POLICIES

LDLP: – ST03 – Design, Form and Setting of Development

LDLP: – ST13 – Noise and Development

LDLP: – CT01 – Planning Boundary and Countryside Policy

LDLP: – CT03 – Landscape Conservation and Enhancement

LDLP: – RE04 – New Recreational and Leisure Development

3. PLANNING HISTORY

None.

4. REPRESENTATIONS FROM STANDARD CONSULTEES

ESCC Highways – I do not wish to restrict grant of consent subject to the observation below:-

The access serving the site is acceptable in terms of its geometry and visibility. Not included within the application are details relating to the number of club members or the proposed operation times. I would wish to have further information regarding this to ascertain vehicle generation at this access.

Environmental Health – The location of the site is in a very remote, quiet, tranquil area. The nearest properties and St Peters Old Church are approximately 600 metres from the point of launch. As the area is extremely quiet any noise intrusion from the flying of the model aircraft may appear more noticeable to the residents than it would in another area.

Between 1999 and 2004 we have received eight complaints from two different properties; to date none of these complaints have been substantiated as a statutory noise nuisance. It was a complaint received in September 2006 that lead to enforcement investigations and discussions with the applicants and the subsequent submission of this application.

The Club are aware of and are using the '*Code of Practice for the minimisation of noise from model aircraft 1982*' issued by the Department of the Environment. This contains guidelines which, if followed, should ensure that undue disturbance is avoided in most circumstances.

Given the quiet location, which is highly valued by local residents, it is important to ensure that no noise nuisance or loss of amenity is caused to neighbouring properties. In order to ensure this a noise assessment should be undertaken.

NERL Safeguarding National Air Traffic Services Ltd – No objections.

Ringmer Parish Council – Council has no objection, but is concerned that there is no apparent limitation on the days or weeks on which flying can take place.

Hamsey Parish Council – Hamsey Parish Council wish to strongly object to the above application on the grounds that the noise generated by this activity is at odds with this quiet rural area. The Eastbourne Flying Club is not local and yet causes misery to our residents at weekends, bank holidays and evenings, when people want to be enjoying peaceful surroundings. Despite complaints, the club has failed to modify or control this noise nuisance at all and operates from an area adjacent to the proposed South Downs National Park.

If planning consent is given, Hamsey Parish Council request that temporary approval only is available for the flying of silent gliders and a limit be placed on the hours of operation.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 30 letters of objection received. Objections raised regarding: continual and intrusive sound of model aircraft flying; regularity and consistency of flying times including weekends, and Bank Holidays; noise impacts on residents' enjoyment of their garden space; noise impacts on those attending the nearby church; irritating nature of the noise; destroys the peace and quiet of the countryside and wider rural location; inappropriate site for such activities; the activities are too close to neighbouring properties in Hamsey; the activity is contrary to Local Plan Policy; permission would lead to escalating activities at the site and a worsening of the current problems; access to the site is not suitable for cars and will lead to conflict with farm activities; the parking of large numbers of cars is alien in this area of countryside; countryside activities such as angling, bird watching and walking are ruined in this area of Hamsey by the Flying Club activities; there has been no consultation of the local residents by the club; better silencers are required on all model planes; activities are too close to the proposed national park; and a number of other non-planning related matters.

6. PLANNING CONSIDERATIONS

6.1 It is considered that the key planning factors in the determination of this application are: noise, impact on residential amenities, impact on rural landscape, and policy.

6.2 During the course of the public consultation period, 30 letters of objection were received from local residents and people who enjoy other pursuits locally. Nearly all the letters objected to the problem of noise caused by the model aircraft, in particular the 2-stroke engine planes. The area in which the site is located is relatively isolated and tranquil. The closest building is Little Bretts, approximately 570 metres away. The club's imposed flying zone is largely to the east of the take off/landing strip and consequently planes fly away from the nearest residential properties. However, the continual noise of the model aircraft in a quiet rural location, with low background noises, is likely to travel and might cause a detrimental impact on residential amenities.

6.3 A further problem is posed by the likely timing of the model aircraft flying. It is likely to take place in fine weather when people are more likely to be enjoying their amenity space or other out door pursuits. A review of the times of meetings submitted by the Flying Club also reveals that the flight times often go into the early evening during the week and afternoons at the weekend. Environmental Health Officers have received eight objections to noise at the site since 1999, from two separate complainants. Only one official complaint has been lodged in the last two years, which resulted in planning consent being sought. Having looked into the complaints, Environmental Health have stated that no complaint has been substantiated and no statutory

noise nuisance noted. In the absence of any objection from Environmental Health, it is not considered that a reason for refusal relating to noise could be sustained.

6.4 It is considered that restrictive conditions can mitigate many of the noise problems objected to and allow further time to accurately assess whether this is a suitable location for model aircraft flying. Conditions granting only temporary consent, restrictive times and days for flying petrol engine aircraft and the requirement for a noise assessment will allow the Council to retain control over the site.

6.5 The area is very rural and open in character. Policy CT3 looks to protect the rural landscape from development which would affect its remoteness and tranquillity. Although the area is remote and relatively tranquil it is considered that the restrictive conditions above will preclude any serious detriment to the rural character of the area. The flying times and days will be restricted so that the activities are controlled and do not pose a permanent or regular nuisance.

6.6 Policy ST3 looks to protect residential amenities from detriment impact through noise, which is further reiterated and expanded on within Policy ST13. Planning permission will not normally be granted for development which results in people, animals or sensitive areas being exposed to unreasonable levels of noise. In order to accurately assess whether the development would be contrary to either policy it is considered that a condition to carry out a noise assessment of the use and a temporary time limit for this to be carried out will allow the Council to determine the impact of noise from the planes in the locality. Given that Environmental Health have not objected to the proposal or found a statutory noise nuisance on previous complaints, this is considered an appropriate course of action.

6.7 There was no objection raised by the Highway Authority or Ringmer Parish Council, although they were mindful to suggest limiting flying times. Hamsey Parish Council lodged a strong objection but were not opposed to a temporary consent. On balance and subject to careful conditioning, it is not considered that the use is harmful to the rural character of the area and it is recommended that a temporary 18 month consent is granted.

7. RECOMMENDATION

Recommend approval.

The application is subject to the following conditions:

1. The use of the land for the flying of model aircraft hereby approved shall cease on or before 28th February 2009 and the land restored to its former use and condition.

Reason: To enable the Local Planning Authority to retain control over the site and in accordance with Policy ST3 of the Lewes District Local Plan.

2. A Noise Assessment shall be made by the applicant before 28th February 2009. The method of assessment shall be agreed in writing by the Local Planning Authority prior to the assessment being undertaken, and thereafter carried out in accordance with that agreement. On completion a written report shall be submitted to the Local Planning Authority for its consideration with any subsequent planning application.

Reason: To allow the Council to maintain control over the site and accurately assess any future activities having regard to local residents and the wider countryside location and Policies ST3, ST13 & CT3 of the Lewes District Local Plan.

3. There shall be no more than three internal combustion engine planes in the air at any one time on any day that flying is permitted.

Reason - In the interest of residential amenities and having regard to Policies ST3 & ST13 of the Lewes District Local Plan.

4. The use hereby permitted shall be restricted to: Thursdays 10.00 - 20.00 hours and Saturday 10.00 - 16.00 hours for the flying of internal combustion engine planes and at no other times. Only silent electric planes/gliders can be flown at all other times, including Sundays, Bank or Public Holidays.

Reason - In the interest of residential amenities and having regard to Policies ST3, ST13 & CT3 of the Lewes District Local Plan.

5. Except in the event of an emergency all model aircraft must fly within the permitted 300 metre fly zone, indicated on the OS map submitted as part of the planning application and excluding all areas marked exclusion zones.

Reason - In the interest of residential amenities and having regard to Policies ST3 & ST13 of the Lewes District Local Plan.

This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Landscaping	23 April 2007	OS SITEMAP

Summary of reasons for decision and any relevant development plan policies/proposal:

It is considered that the proposal meets the aims and objectives of Local Plan Policy and respects the character of the location, complying with Policies ST3, ST13, CT1, CT3 & RE4 of the Lewes District Local Plan.