

**PLANNING OBJECTION
TO
APPLICATION REF
(SITE)**

DECEMBER 2003

Prepared by:

**Mr C N Plenderleith
BA (Hons) MRTPI**

Our Ref: 03-12-03

Planning Department
Halton Borough Council

3 December 2003

Dear Sir / Madam

**Re: Application Reference:
Site**

I have been instructed by three local residents to evaluate and comment on the above mentioned Planning Application, namely:

- Mr and Mrs M Smith, (Address)
- Mr and Mrs B Jones, (Address)
- Mr B Ford, (Address)

It is understood that the Planning Application is for the following development, namely:

“Proposed change of use of 0.2 hectares of land for micro light activities at (site address).”

This submission draws upon the substance of Government Advice, the General Permitted Development Order (GPDO), the Halton Unitary Development Plan and relevant appeal decisions.

SITE DESCRIPTION

The site which is the subject of the Planning Application lies adjacent to the M56, to the north. A site plan delineating the application site and the surrounding properties is included at Appendix 1.

Along part of the western boundary of the site is a bridleway that connects Lane to Lane which is actively used by horse riders. The site is identified on the Adopted Local Plan as being land designated within the Green Belt; the Revised

Deposit Version of the Halton Unitary Development Plan not only identifies the site as Green Belt but also as an Area of Special Landscape Value. The above mentioned bridleway is identified on the Revised Deposit Version of the Halton UDP as a Proposed Greenway; these designations will be dealt with in further detail in the section of this objection entitled 'Halton Unitary Development Plan'.

GOVERNMENT ADVICE

Extracts of the relevant paragraphs have been included at Appendix 2 of this Objection.

PPG17 Planning for Open Space, Sport and Recreation (2002): Paragraphs 51 through to 54 deal with sport and noise. Paragraph 55 entitled 'Air Sports' notes that participation in air sports has grown substantially, particularly as hang gliding, gliding and microlight aircraft have developed in the last 20 years as alternatives to flying light aircraft for sport. Small air fields are being established on new sites, particularly where land owners wish to take advantage of the set-aside scheme. Paragraph 55 states that:

“In any application to use a field as an airfield, local planning authorities should consider carefully the proposed runway and circuit alignments, as well as other sport uses to which it can be put, in order that environmental problems for those on the ground, in particular noise, are kept to an acceptable level.”

In determining this application I would ask that in accordance with Paragraph 55 of PPG17, the local authority should carefully consider the proposed runway and circuit alignments of the microlight airfield. The proposed circuits are shown on the planning application and one of the circuits goes around three sides of Mr Smith's property. Even if only one or two microlights are flying several circuits the irritation is considerable. Furthermore, Mr Ford and Mr Jones' properties form part of the boundary of the proposed airfield and are in direct line with the most frequently used take off and landing path.

PPG24 Planning and Noise: Paragraph 2 notes that the impact of noise can be a material consideration in the determination of planning applications. Paragraphs 10 and 11 deal with noisy development and development control; paragraph 11 states that:

“Noise characteristics and levels can vary substantially according to their source and the type of activity involved. ... Sudden impulses, irregular noise or noise which contains a distinguishable continuous tone will require special consideration. In addition to noise from aircraft landing and taking off, noise from aerodromes is likely to include activities such as engine testing as well as ground movements. The impact of noise from sport,

recreation and entertainment will depend to a large extent on the frequency of use and the design of facilities.”

It is understood that the noise a microlight makes is akin to a loud lawnmower flying overhead. The level of noise obviously depends on how close the aircraft is, but the main point is that they fly in circuits for much of the time. The proposed circuits are shown on the planning application and one of the circuits goes round three sides of Mr Smith’s property. Even if only one or two microlights are flying several circuits the irritation is considerable. Furthermore, Mr Ford and Mr Jones properties form part of the boundary of the proposed airfield and are in direct line with the most frequently used take off and landing path. Mr Ford has experienced microlights over flying his property sometimes as frequently as every 15 minutes.

In determining this application I formally request that the applicants provide a clear indication of the frequency of microlight flights.

Paragraphs 13 and 14 deal with measures to mitigate the impact of noise; paragraph 13 states that a number of measures can be introduced to control the source of, or limit exposure to, noise. Such measures should be proportionate and reasonable and may include one or more of the following, namely:

- “(i) **engineering**: reduction of noise at point of generation (eg by using quiet machines and/or quiet methods of working); containment of noise generated (eg by insulating buildings which house machinery and/or providing purpose-built barriers around the site); and protection of surrounding noise-sensitive buildings (eg by improving sound insulation in these buildings and/or screening them by purpose-built barriers);
- (ii) **Lay-out**: adequate distance between source and noise-sensitive building or area; screening by natural barriers, other buildings, or non-critical rooms in the building;
- (iii) **administrative**: limiting operating time of source; restricting activities allowed on the site, specifying an acceptable noise limit.”

If Officers were minded to recommend the application for approval they would clearly need to have regard to the above considerations.

Paragraph 14 reads:

“Early consultation with the applicant about the possible use of such measures is desirable and may enable them to be incorporated into the design of the proposal before it is formally submitted for determination. Alternatively it may be appropriate for a local planning authority to ensure that such measures are introduced by imposing conditions.”

Paragraphs 15 through to 19 deal with conditions and I would draw particular attention to the latter part of Paragraph 17 which states that:

“... it should be remembered that the sound level within a residential building is not the only consideration: most residents will also expect a reasonable degree of peaceful enjoyment of their gardens and adjacent amenity areas.”

Annex 4 deals with examples of planning conditions, albeit these tend to relate to large scale developments and urban areas. Annex 5 deals with specified noise limits and details a number of points which a local planning authority should consider when imposing a planning condition which will specify an acceptable noise limit from a development. If the officers dealing with this application were minded to recommend approval, then consideration should be given to Annex 5 and the suggested conditions which have been provided at Appendix 7 of this Objection.

HALTON UNITARY DEVELOPMENT PLAN

The Halton Borough Council Local Plan was adopted on 17th April 1996, hereafter referred to as the “Adopted Plan”. The First Deposit Version of the UDP was published in September 2000; the Second Deposit Version of the UDP was published on 12th December 2001, hereafter referred to as the “Second Deposit.”

Adopted Plan: The site is designated on the Proposals Map as land within the Green Belt to which Policies GS6 and GS9 apply; extracts of the relevant policies have been reproduced at Appendix 3.

Second Deposit: The site is identified on the Proposals Map as land falling within the Green Belt (Policy S21, GE1, GE2 and GE3), an Area of Special Landscape Value (Policy GE21) and the entire length of the western boundary of the site is designated as a Potential Greenway (Policy TP9 and Policy GE8); extracts of the relevant policies have been reproduced at Appendix 3.

Policy S21 ‘Green Belt’: outlines the areas designated as Green Belt and sets out environmentally acceptable long term limits to the growth of the built up area of Halton.

Policy GE1 ‘Control of Development in the Green Belt’: Point 3 of Policy GE1 states that Development in the Green Belt will be regarded as inappropriate unless it is for any of the listed purposes. Purpose (d) reads:

“Essential facilities for outdoor sport and recreation, in compliance with Policy GE4.”

The proposed microlight facility is not in accordance with Policy GE4 'Outdoor Sport and Recreation Facilities in the Urban Fringe and Open Countryside' in that:

- (c) The use of the site as a microlight facility will spoil the enjoyment of the countryside for users of the bridleway (designated as a Proposed Greenway) through the unacceptable increase in noise resulting from the microlights taking off, in flight and landing.
- (d) The proposed development may reduce public access to the countryside with horse-riders, particularly younger riders, being deterred from using the bridleway, in circumstances where horses may become frightened by low flying microlights, or those having difficulty when taking off or landing. Appendix 5 of this objection includes correspondence from the British Horse Society which supports this Objection.
- (e) The location of a microlight facility would cause unacceptable damage to an area which is designated as having Special Landscape Value.
- (f) Due to the nature of microlight flying, the increase in noise would have an unacceptable affect on the amenity of nearby residents.

Paragraph 5 of the Justification to Policy GE4 states that:

“Particular favourable consideration will be given to proposals that will enhance opportunities for outdoor sport and recreation within the urban fringe, which is more accessible to the majority of the Borough’s population than the open countryside beyond.”

The use of a microlight facility clearly would not be accessible to the “majority of the Borough’s population” with the facility being accessible to only a select group of the population who are affluent enough to participate in the activity.

Policy GE2 and GE3: deal with the reuse of buildings in the Green Belt and extensions and alterations to existing dwellings and are not referable in this instance.

Policy GE21 'Protection of Areas of Special Landscape Value: deals with the protection of Areas of Special Landscape Value and details the criteria which development in such areas should be capable of meeting.

Paragraph 8 of the Justification to Policy GE21 outlines the criteria for designating an area as having Special Landscape Value; I would ask that Halton Borough Council confirm which of the criteria are applicable to the land at Daresbury such that we can determine whether the permission of a microlight

facility in the area would be in keeping with the Special Landscape Value designation.

Policy TP9 ‘The Greenway Network’: aims to provide networks of largely car free, off-road routes connecting people to facilities and open spaces in and around towns, cities and to the countryside all over the country. I would draw to your attention Paragraph 4 of Policy TP9 which reads:

“Development will not be permitted if it would prejudice either of the following:

- a) Access on to or through the network, unless specific arrangements are made for suitable alternative linkages that are no less attractive, safe or convenient.
- b) The reasonable enjoyment of the network by unacceptably affecting the amenity for its users by way of noise, smells or other forms of pollution.”

It is considered by neighbouring residents and the British Horse Society that the reasonable enjoyment of the network by walkers and horse-riders would be unacceptably affected by way of noise; the letter from the British Horse Society included at Appendix 4 clearly states that:

“The British Horse Society promotes safe off-road riding routes and this proposal [Newton Farm application] would increase the risk to legitimate users of the bridleway and would ultimately lead to a loss of riding pleasure and to a restricted access to the rights of way network.”

Policy GE8 ‘Protection of linkages in Greenspace systems’: This Policy emphasises the importance of Greenspace systems and states that:

- “1. Greenspaces systems, as defined on the Proposals Map, are networks of inter-connecting greenspaces, providing important visual, physical, functional and structural linkages.”

The planning application is contrary to Policy GE8 in that:

- b. It would have an unacceptable effect on the impact on the recreational value of the system as walkers and horse riders may well be deterred from using the Greenway.
- e. Potentially it would impair the movement of people on horse-back, particularly young and inexperienced riders, with overhead microlights frightening horses.

APPEAL DECISIONS

I have included at Appendix 5 a number of relevant appeal decisions dealing with the use of land for microlight related activities. These decisions are detailed below, namely:

Land at Coxtie Green Road, South Weald, Brentwood (June 2003): This appeal relates to the issue of an enforcement notice associated with the change of use of land from agricultural use to a landing strip for microlight aircraft. Paragraph 17 of the Appeal Decision is clearly referable and reads:

“Still looking at the question of noise and disturbance the appeal site is in a pleasant rural location. Whilst I have no evidence as to levels of use by pedestrians, the landing strip runs alongside a public footpath. I walked along part of this footpath, unaccompanied, early on the morning of the hearing and found that, whilst some traffic noise was audible from the M25, noise levels were generally low. I appreciate that noise levels from the M25 may vary according to wind direction, though I understand that the relevant section is due to be resurfaced and that this should reduce noise from that source. However, microlights, though much improved over the years, remain relatively noisy machines close-to, particularly in take-off, and appear slightly imprecise in landing as they are more susceptible to wind variations than some larger craft. It seems to me that use of the strip for microlight flights could disturb, and possibly alarm, pedestrians using the footpath and this could discourage use, particularly by those walking with their children or their pets.”

The above paragraph reiterates our concerns regarding the disturbance which may be caused to users of the bridleway/Proposed Greenway which potentially may discourage them from using it.

Braco Castle Estate, Braco, Perthshire (December 2000): This appeal is against the refusal by Perth and Kinross Council to grant planning permission for the use of an area of agricultural land, together with the erection of a portakabin clubhouse to form a microlight flying centre.

Paragraph 35 of the Appeal Decision notes that most of the criticisms of the application made by third parties were not based on mere perceptions of “noise” from particular engines. The real problem is the intermittent, enduring, varying and recurring nature of microlight noise in such a tranquil location, irrespective of privacy issues and the loss of general tranquillity to which most residents at this location can feel reasonably entitled.

Land and Premises at Boship Farm, Drovers Lane, Hellingly, East Sussex (September 1998): This appeal relates to three enforcement notices issued by

the Wealden District Council. Attention is drawn to Paragraph 26 which notes that it may well be that in absolute terms, the maximum noise levels produced by a microlight aircraft are not particularly great. However:

“Even in a generally quiet locality where background levels have been recorded, away from the main roads, in the range between 31.5 dB and 43 dB, I can well understand and appreciate that noise generated of this order, particularly if repeated at irregular intervals over a longer period of time, could well result in disturbance which would give rise to justified complaints on grounds of nuisance. A further factor in this situation also appears to be the particular distinctive tonal qualities of a microlight engine, which seem to differ from that of conventional light aircraft, such as to aggravate the subjective intrusive impact which people on the ground claim to perceive.”

The planning application which is the subject of this objection details circular flight paths which would undoubtedly produce a level and tone of noise which would aggravate residents on the ground and could be perceived as being a nuisance.

Furthermore, Paragraph 30 raises the following issue, namely:

“Bearing in mind also that there are climatic constraints which tend to restrict microlight flying to fine weather when people could be reasonably expected to be either seeking to enjoy their own residential gardens or resorting to the countryside for recreational purposes, there seem to me to be additional reasons here to reinforce my earlier conclusions to the effect that in terms of noise impact and the likelihood of unacceptable levels of annoyance arising as a result, the proposed development should not be allowed to proceed because demonstrable harm would be likely to be caused.”

The issue of privacy is also of concern to the neighbouring residents of the site. Paragraph 31 notes that microlight aircraft generally have open cockpits with a clear view out; they also cruise at quite a slow speed. From the ground the impression is given that it takes a fairly long period of time to fly over any particular spot. The intrusive nature of the activity would undoubtedly adversely impact upon the privacy of neighbouring farms; Mr and Mrs Jones have experienced microlights from the site over flying their property (address) sometimes at a frequency of every 15 minutes.

Stubbers Farm, Mountnessing Road, Blackmore, Essex (May 1990): This appeal relates to the use of land and existing redundant agricultural buildings for a microlight flying club. Paragraph 78 of the Decision deals with the flying that would take place, with the Inspector noting that there could be no satisfactory safeguard by way of an enforceable planning condition, against the possibility of there being many more aircraft movements if the club proved to be popular and

successful. The Inspector also noted that microlight flying is one of the fastest growing sectors of general aviation.

GENERAL PERMITTED ORDER 1995 (GPDO)

Schedule 2 Part 4 Class B of the Town and Country Planning (General Permitted Development) Order 1995 enables the site to be used for flying on up to 28 days in any calendar year; relevant extracts are reproduced at Appendix 6.

It is understood from Mr Smith that the airfield has been actively used for over six months with microlights flying on most days weather permitting.

PLANNING CONSIDERATION

Noise Nuisance from Microlight Flying: It is understood that the noise a microlight makes is akin to a loud lawnmower flying overhead. The level of noise obviously depends on how close the aircraft is, but the main point is that they fly in circuits for much of the time. The proposed circuits are shown on the planning application and one of the circuits goes round three sides of Mr Smith's property. Even if only one or two microlights are flying several circuits the irritation is considerable. Furthermore, Mr Ford and Mr Jones' properties form part of the boundary of the proposed airfield and are in direct line with the most frequently used take off and landing path. Mr Ford has experienced microlights over flying his property (address) which has been as frequently as up to every 15 minutes.

We reserve the right to comment further on receipt of the applicant's Acoustic Report which must form part of any application to determine the principle of a development of this sort.

Loss of Privacy: Microlight aircraft generally have open cockpits with a clear view out; they also cruise at quite a slow speed. From the ground the impression is given that it takes a fairly long period of time to fly over any particular spot. The intrusive nature of the activity would undoubtedly adversely impact upon the privacy of neighbouring properties including those owned by my clients, namely:

- Address of Mr Ford
- Address of Mr Smith
- Address of Mr Jones

Impact on equestrian activities: The bridleway to the west of the site is actively used by horse-riders. The location of the proposed airstrip would result in microlights taking off and landing directly over a bridleway that provides the only safe route under the M56 motorway that provides a vital link to the rights of way network. Mark Webster, Assistant Access & Rights of Way Officer for the British Horse Society, states that:

“Not all horses will react badly to the sight and sound of low flying aircraft, but many do revert to the herd instinct and overcome by fear, take flight. In doing so the horse would also put the rider at severe risk of injury.

Even to those horses accustomed to microlights using the airstrip there are still health and safety issues that have to be considered should the microlight have difficulty when taking off or landing. Unless resolved this airstrip would impose a restriction on the right to use the public path, and it can only be a matter of time before there is an accident involving a microlight and a legitimate user of the public right of way.”

Health and Safety – Motorway M56: The airfield is immediately adjacent to the M56 motorway which raises a number of possibilities, namely:

- Microlights crashing onto the motorway
- Low flying microlights distracting drivers and indirectly causing accidents
- Learner pilots under instruction or on first solo flights crash landing on the motorway.

Please provide the applicant’s Commercial Statement and report dealing with Health and Safety considerations. Details of the response of the Highway Agency and Highway Authority is also sought. We reserve the right to comment further on receipt of the above information.

Ancillary Development: If the change of use is permitted there is a strong suspicion that additional improvements/structures will be required which may prove difficult to resist. In any event the car parking and parking of microlights will impact on the openness of the Greenbelt and character of the “Area of Special Landscape Value”, particularly if the business is successful.

CONCLUSIONS

The application which is the subject of this objection is clearly contrary to Local Plan Policy as contained within the Halton Unitary Development Plan, particularly the policies contained within the Second Deposit Draft. The previous appeal decisions reiterate the concerns raised by my clients who reside in neighbouring properties, including the problems and issues created by microlight activities.

In determining this application careful regard should be had to the following considerations, namely:

- The impact of noise can be a material consideration in determining planning applications.
- The development is contrary to Policy GE1 ‘Control of Development in the Green Belt’ and Policy GE4 ‘Outdoor Sport and Recreation Facilities in the Urban Fringe and Open Countryside’.

- The site is part of an area designated as an Area of Special Landscape Value; the impact of the microlight facility upon this designation clearly needs careful consideration.
- The proposal would be contrary to the provisions of Policy TP9 'The Greenway Network' as the use would prove prejudicial to criterion (b) of paragraph 4.
- The effects of microlight activity is contrary to Policy GE8 'Protection of Linkages in Greenspace Systems', in particular criterion (b) and (e).

If despite our submissions the Council is minded to grant consent then we would ask that you give consideration to the possible conditions included at Appendix 7.

Please telephone to confirm receipt of this Objection.

Yours sincerely

Chris Plenderleith
BA (Hons) MRTPI
Encs

Cc Mr Ford
Mr Jones
Mr Smith

CONDITIONS

(To be discussed with the Case Officer)

1. There shall be no more than 10 take offs from the site on any one day.
2. The site shall not be used for the holding of rallies, festivals or similar activities.
3. Except in emergency, there shall be no takeoffs or landings other than between the hours of 10.00 and 18.00 on Sundays and Bank Holidays, or between 09.00 and 20.00 on any other day.
4. With immediate effect from the date of this decision a log shall be kept recording all aircraft movements on the site, such log to be made available to the Local Planning Authority on request for inspection.
5. Flying from the land shall not include any form of flying training, or touch-and-go manoeuvres taking place. Any touch-and-go movement shall be counted as one take-off for the purpose of condition 1 above.
6. Other than adjustments or routine maintenance, no testing, repairs or maintenance of aircraft shall take place on the land.

Note: Please discuss how best to prohibit/regulate the erection of temporary structures and hardstanding.