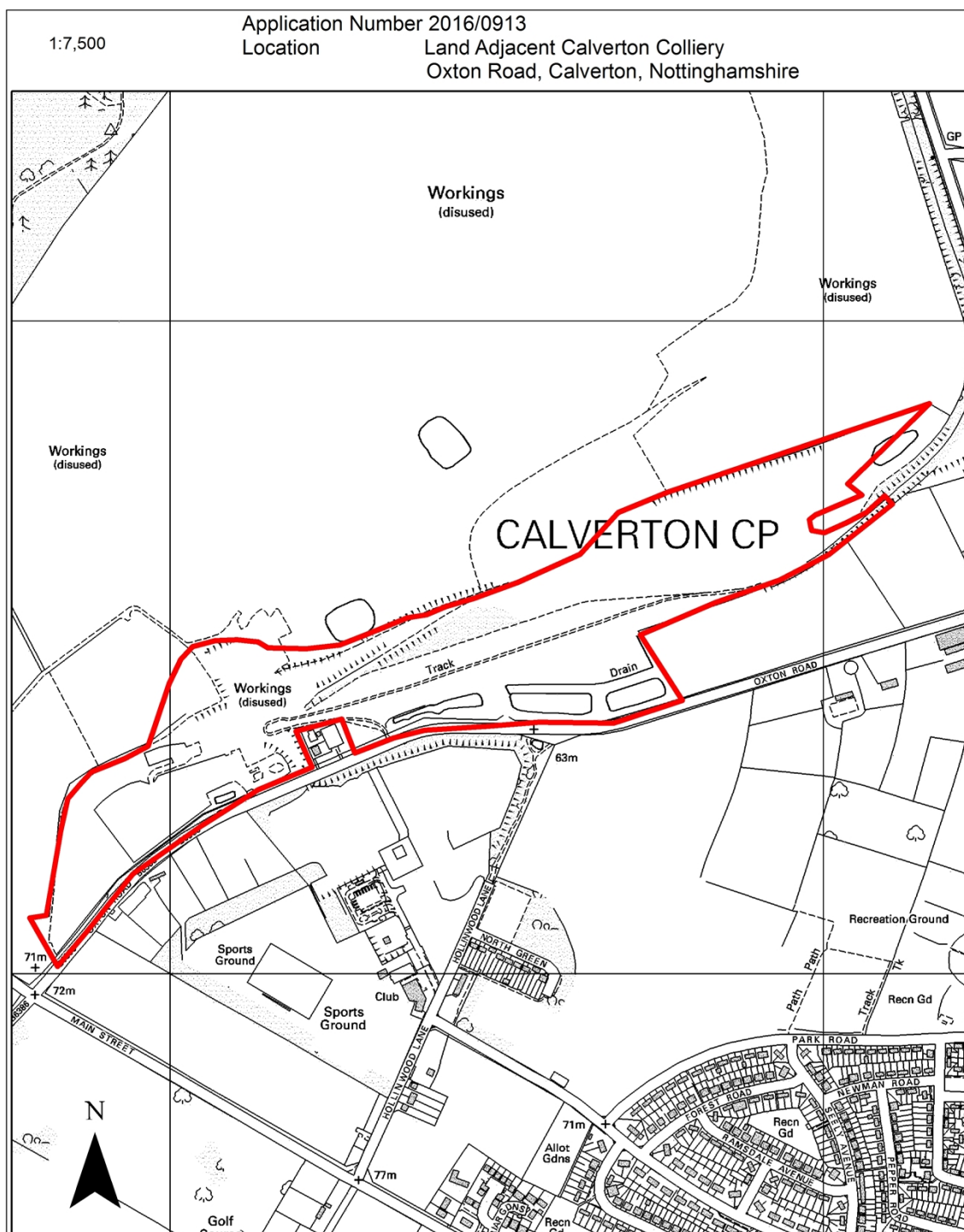


Planning Report for 2016/0913



NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
 Reproduced with the permission of the Controller of H.M.S.O. Crown Copyright. Licence No LA100021248.
 Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.



Report to Planning Committee

Application Number: 2016/0913

Location: Land Adjacent Calverton Colliery Off Oxton Road
Calverton Nottinghamshire

Proposal: Change of use of part of the Colliery site for use by
radio controlled model aircraft, including a grass
runway strip and parking area.

Applicant: Mr Brian Wilson

Agent:

Case Officer: Amy Cockayne

Site Description

The application site relates to part of the former Calverton Colliery site and is therefore a Brownfield site within the Nottinghamshire Green Belt. The site is accessed via Oxton Road to the north of the village of Calverton.

The site is in a natural state, with many species of vegetation present including trees and shrubs. The site itself incorporates a section of the old Colliery site which is level in nature and has safe vehicular access. The wider site area rises to the north to the former slagheap for the former Colliery use.

Proposed Development

The application seeks permission for the change of use of the land for uses in relation to the Rolls Royce Model Flying Club, who are seeking to relocate from Hucknall in Nottinghamshire as the previous land used for the Club is now unavailable.

Contrary to original information submitted with the application, there would be no buildings proposed to be installed at the site. A runway 100m in length is proposed to be created, although this would be formed through the mowing of grass on the site and would not include any hardstanding. No trees are to be removed from the site. Part of the site would be used for the parking of vehicles of the Club members.

Consultations

The consultations for the original scheme included;

A Site Notice was posted, nearby residents were notified via letter, a notice posted in the local paper and a site notice posted at the entrance of the site. Five letters of objection were received from local residents, with comments including;

- ☐ Impact upon livestock – stress can lead to harm of animals including fatal conditions
- ☐ Loss of livelihood due to fatality of animals
- ☐ Health and safety risk to uses on adjoining fields i.e. Horse Shows
- ☐ Noise and disturbance to nearby dwellings
- ☐ Future development on housing allocations of nearby sites increasing number of noise sensitive premises in close proximity to the Colliery
- ☐ Impact on Local Wildlife Site – proposed use not compatible
- ☐ Noise pollution
- ☐ Disruption to natural balance of surrounding land
- ☐ Use does not enhance the area or support the local community

Revised plans were received amending the siting of the proposed runway on the site on 4th May 2017. Reconsultations were carried out with the neighbouring properties and previous objectors. A site notice was also posted at the entrance of the site. Five further letters of objection were received, all previous comments were repeated and additional comments included;

- ☐ Distress and unnecessary stress to animals
- ☐ Access to site and trespass
- ☐ Invasion of privacy
- ☐ Close to busy road, endangering road users
- ☐ Concerns relating to extent of Ecological Survey

Calverton Parish Council were notified and objected on the following grounds;

- ☐ Noise – Local Wildlife Sites considered noise-sensitive premises as well as residential properties, three sites within 500m.
- ☐ Road Safety- distraction to drivers, and safe access and egress
- ☐ Approving the application may preclude desirable community use facilities being developed on the site
- ☐ Unacceptable use on the site threatening the community's enjoyment of the land

The Parish Council submitted further comments for the revised plans, reiterating the previous concerns.

Nottinghamshire County Council Highways have confirmed there is an existing wide access serving the site and a dedicated parking area quite a distance from the highway. Therefore there are no concerns in relation to the development.

Natural England was notified and has confirmed there is no objection to the development as there are no significant adverse impacts upon designated sites.

Nottinghamshire Wildlife Trust was notified; no comments were received.

Gedling Borough Council's Public Protection has advised that there are no concerns in relation to the noise impact of the development to the locality, subject to times of operation to be attached as a condition. The Club have measures in place to reduce

disturbance from noise and a Code of Practice which is aimed at minimising disturbance.

Planning Considerations

The main planning considerations in the determination of this application are the principle of the development within the Green Belt, the impact of the proposal on the immediate surroundings and character of the area, impact upon the highway network and to highway safety, the impact of the proposal on the residential amenity of nearby properties, and the impact to wildlife and livestock.

National Planning Policy

The following core planning principles of the National Planning Policy Framework are relevant to this planning application:-

- ☐ 7. Requiring good design (paragraphs 56-68)
- ☐ 9. Green Belt
- ☐ 11. Conserving and enhancing the natural environment (paragraphs 109-125)

The following saved policies of the Gedling Borough Replacement Local Plan (2005) (Saved Policies 2014) are relevant to this planning application:-

- ☐ ENV1: Development Criteria
- ☐ ENV36: Local Nature Conservation Designations

Aligned Core Strategy

The Aligned Core Strategy was adopted in 2014 and it is considered that the following policies are relevant:

- ☐ Policy 1: Climate Change
- ☐ Policy 10: Design and Enhancing Local Identity
- ☐ Policy 17: Biodiversity.

The Local Planning Document

Most recently, the Local Planning Document Publication Draft (LPD) has been in preparation, published and subject to examination.

Paragraph 216 of the NPPF sets out that from the day of publication, weight may be given to relevant policies in emerging plans depending on how advanced the Plan is and whether there are extant objections. At the present time, it is considered that the following LPD policies are relevant and may be given moderate or limited weight, depending on whether or not there are unresolved objections:

Relevant policies in the LPD include:

- ☐ LPD 18 Protecting and Enhancing Biodiversity (limited weight)
- ☐ LPD 19 Landscape Character and Visual Impact (moderate weight)
- ☐ LPD 32 Amenity (moderate weight)
- ☐ LPD 35 Safe, Accessible and Inclusive Development (limited weight)

Green Belt

At the present time, any change of use of land within the Green Belt constitutes inappropriate development.

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. One of the five purposes which Green Belt serves is to assist in safeguarding the countryside from encroachment.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The National Planning Policy Framework (NPPF) advises that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 81 of the NPPF imposes a positive obligation on local planning authorities to plan to enhance the beneficial use of the Green Belt, including looking to provide opportunities for outdoor sport and recreation.

I consider that the proposed use of this brownfield site for the purposes of outdoor sport and recreation would be a beneficial use of the Green Belt, as encouraged by the NPPF, and that this constitutes the very special circumstances necessary to justify this inappropriate development in the Green Belt.

These very special circumstances must outweigh the harm to the Green Belt by reason of inappropriateness and any other harm, as considered below.

Whilst there is no specific definition of openness in the NPPF, this is a concept which relates to the absence of building; it is land that is not built upon. After discussions with the applicant, the provision of a storage container was re-considered and this facility has been removed from the proposal.

The proposed development would not require any engineering works, such as hardstanding or ground works; the runway can be maintained by mowing the existing grass and the access routes from the highway and parking areas can be facilitated upon the existing form of the land. As such, I consider that the proposed use for the purposes of flying model aircraft would preserve the openness of the Green Belt in this location and would not conflict with any of the purposes of including land within the Green Belt.

Impact on Character of the Surrounding Area

The area of the surrounding area is predominantly rural, with the site being situated to the north of the village of Calverton. The last use of the site was as the Colliery site which closed in 1999. The site is privately owned, although is frequently used by walkers.

The natural state of the site is proposed to be retained, with no engineering operations or works to existing vegetation (excluding the occasional mowing of the grass for the runway) due to take place on the site to facilitate the proposal. The siting of the runway and access and parking areas are upon bare land and areas with sparse vegetation. There are no proposed buildings or hardstanding at the site, which would retain the existing character. The use of the site would be for an established Model Aircraft Club for leisure and recreational purposes only, with no business activity on the site. I am therefore satisfied the natural character of the site's surroundings in this isolated location would be maintained.

Highway Impact

Saved Policy ENV1 states development proposals are to include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles. I am mindful that the site is private land under the ownership of the Coal Authority, and the applicant is in contact with the Coal Authority to ensure the site would be used lawfully. Due to the existing highway layout, there is a layby near to the entrance of the site. As such, the Highways Authority has advised that there are no concerns in relation to the proposal.

Concerns have been raised regarding the flying of aircraft over Oxton Road, adjoining the site. Although the Highways Authority have not noted the same concerns in respect of the safety of the public around the application site, a condition has been attached to the recommendation to ensure that no flying takes place outside of the site as outlined on the submitted plan. The Borough Council could therefore take enforcement action should there be evidence that model aircraft are being flown outside of the application site.

Impact upon Residential Amenity

Saved Policy ENV1 seeks to protect the amenity of nearby residents from impact as a result of the level of activity generated from development. The proposed use would generate some activity of Club members entering and leaving the site from the public highway, and the meeting of members within the designated area of the site as outlined on the submitted plans, although I do not expect that this general level of visitors to the site would have no undue impact on neighbouring residential amenity given the siting and overall size of the application site.

Paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impact on health and quality of life as a result of new development, and minimise other adviser impacts through the use of planning conditions. LPD 32 of the Local Planning Document also gives special consideration to noise impact upon residential amenity.

A Code of Practice and Club Rules were submitted as supporting information with the Design and Access Statement of the application. This document refers to British Model Flying Club standards, which are derived from Department for Environment, Food and Rural Affairs Code of Practice on Noise from Model Aircraft 1982. The Code of Practice recommends acceptable separation distances from noise-sensitive premises i.e. residential dwellings; 500m for the point of launch of radio-controlled models, 300m from the point of launch of model aircraft with limited engine run, and any model should not be flown closer than 200m to noise-sensitive premises. The point of launch would be created through cutting an area of grass 100m x 50m to be used as a runway. I am satisfied that measuring from the edge of this area as indicated on the submitted revised plans; there are no noise-sensitive premises which are sited closer these minimum distances. The nearest residential properties are Lodge Farm to the east, this dwelling is situated over 650m from the point of launch; and Warren Place to the south-east, approximately 530m from the point of launch. An appropriate condition is attached to the recommendation limiting the flying of model aircraft to within the application site, therefore avoiding the potential flying of aircraft directly over residential properties.

In this instance, I consider that any nuisance would be covered by non-planning legislation for the protection of neighbouring residents' amenity. The applicant has also advised that the Club uses appropriate measuring equipment for noise generated from the aircraft which has been considered acceptable by the Borough Council's Public Protection service. However, it is accepted that the full impact of the use is difficult to assess even with the submitted Code of Practice and Club Rules. Accordingly, it is considered that the full impacts of the development should be reviewed in 12 months and in this instance a temporary permission would therefore be justified.

Impact on Wildlife and Livestock

Saved Policy ENV36 of the Replacement Local Plan seeks to protect long-term ecological viability of the habitat with measures to minimise damage and disturbance to the habitat and wildlife.

The Ecological Assessment submitted with the application indicates that there would be no significant impact arising from the proposal upon habitat sites or species at the site by reason of the nature of the development and the siting of the proposed runway and car parking areas. The lack of shelter and sparse ground vegetation at the siting of the runway and car parking areas result in unsuitable conditions for newts and ground nesting birds, and the minimal change in the form of the land would not result in adverse effects to existing areas of habitats. Although the model aircraft would be in-flight for much of the time that the site is in use, the Ecological Assessment states that the flying speed would not pose a threat to birds.

Many objections have been received in relation to the impact of the model aircraft upon livestock in fields in the wider area around the application site, including but not limited to; horses, pigs and goats. Concerns relate to unnecessary stress to animals as a result of noise and disturbance of overhead aircraft. I note that there are no livestock within the application site itself. Whilst it is appreciated that the proposed use may be a cause of concern for livestock owners, this is not considered to be a planning reason for resisting the application.

LPD 18 states that harm to habitats and species should be avoided in the first instance, and if not possible, mitigated. As such, due to the points mentioned above I am therefore of the opinion that the proposed use of the land at the site would not result in adverse effects to the existing habitat and species on the site due to minimal disturbance to the existing form and state of the land.

Conclusion

I am satisfied, on balance, that the very special circumstances by reason of providing outdoor sport and recreation on a brownfield site outweigh the harm to the Green Belt by reason of inappropriateness and any other harm; including impact on the openness of the Green Belt, on the character of the surrounding area, on the highway, on residential amenity and on wildlife and livestock.

Given the above factors, it is considered that it would be reasonable to grant a limited period permission for 12 months to enable the Borough Council to further assess the impact of the proposal. In this instance a limited period permission is considered to be reasonable as the development does not propose any structures/built environment.

Recommendation: Grant Limited Period Conditional Planning Permission, subject to the following conditions:

Conditions

1. This permission is a limited period permission which shall expire on 31st July 2018 and the use hereby permitted shall cease on or before this date and the site shall be reinstated to its original use.
2. This permission shall be read in accordance with the following plans/details: Redline Site Location Plan (scale 1:5000) received by the Local Planning Authority on 4th May 2017, Rolls-Royce (Hucknall) Model Aircraft Design and Access Statement (Club Rules and Code of Practice) received by the Local Planning Authority on 15 August 2016. The development shall thereafter be undertaken in accordance with these plans / details, unless otherwise agreed in writing by the Local Planning Authority.

3. The use hereby permitted shall enure solely for the benefit of Mr Brian Wilson and members of the Rolls Royce (Hucknall) Model Aircraft Club and no other person(s) or organisation.
4. There shall be no flying of any model aircraft outside of the redline application site boundary (shown on the 1:5,000 scale plan received on 15 August 2016) at any time.
5. Notwithstanding the submitted details, the use hereby permitted shall not take place other than between the hours of: 10.00AM - 6.00PM Mondays - Fridays, 10.00AM - 6.00PM Saturdays and 10.00AM - 4.00PM Sundays.

Reasons

1. To enable the Local Planning Authority to review the situation at the end of the limited period.
2. To define the permission.
3. The nature of the development is such that it is only considered acceptable having regard to the Club Rules submitted by the applicant.
4. To define the permission and the interests of residential amenity and highway safety.
5. To protect the amenities at present enjoyed by the occupiers of nearby residential properties.

Notes to Applicant

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework. Discussions have taken place during the consideration of the application to address adverse impacts identified by officers and/or address concerns raised in letters of representation submitted in connection with the proposal. The application for planning permission is subsequently approved for a limited time period subject to conditions.