

<b>2.3 REFERENCE NO - 20/505412/FULL</b>		
<b>APPLICATION PROPOSAL</b> Section 73 - Application for variation of conditions 1 (model aircraft flying times) and 2 (maximum number of model aircraft flying at one time) pursuant to 16/504776/FULL for - Variation of condition 1 of SW/13/0579 - to make permission permanent.		
<b>ADDRESS</b> Land Adjacent to Heel Farm Heel Road Throwley Faversham Kent ME13 0JH		
<b>RECOMMENDATION</b> Grant subject to Conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> Proposal is in accordance with national and local planning policy		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Parish Council objection		
<b>WARD</b> East Downs	<b>PARISH COUNCIL</b> Throwley	<b>APPLICANT</b> Mr James & Charles Hills <b>AGENT</b> Mr Brian Planner
<b>DECISION DUE DATE</b> 17/02/21		<b>PUBLICITY EXPIRY DATE</b> 24/12/20

**Planning History**

16/504776/FULL

Variation of condition 1 of SW/13/0579 - to make permission permanent.

Approved Decision Date: 22.08.2016

SW/13/0579

To vary conditions 1 and 2 of SW/08/0559 to make permission permanent and to vary hours of flight

Grant of Conditional PP Decision Date: 27.09.2013

SW/08/0559

Non-compliance with condition (1) of planning permission SW/05/0294 to allow continuation of model aircraft flying beyond 31st May 2008

Grant of Conditional PP Decision Date: 10.10.2008

SW/05/0294

Model aircraft flying

Grant of Conditional PP Decision Date: 24.05.2005

SW/03/0381

Lawful Development Certificate for use of land for model aircraft flying.

Refused Decision Date:

**1.0 DESCRIPTION OF SITE**

- 1.1 The application refers to a field adjacent to Heel Farm, Throwley. The site is a large area of meadow (measuring approximately one hectare), bounded on all sides by lanes, trees and hedgerows. Both electric 'silent flight' (hereafter referred to as 'SF') planes and internal combustion (hereafter referred to as 'IC') engine planes are used.

The present permitted hours of use are as follows:

Monday to Friday – 09.00 – 16.00 (IC); 09.00 -17.00 (SF)  
Saturday – 09.00 – 16.00 (IC); 09.00 – 19.00 (SF)  
Sundays & Bank Holidays – 09.00 – 16.00 (SF only)

Temporary permission was granted in 2005 (for three years), 2008 (for five years) and 2013 (for three years). Permission was made permanent under planning reference 16/504776/FULL. Members will note that the decision notice is appended and that conditions (1) and (2) of the permission read as follows:

- 1 No model aircraft flying shall take place on the site outside the following times;

Monday to Saturday 09.00-16.00 and at no time on any Sunday or Public Holiday; except for those craft capable of flying silently, in which case the flying times may be extended to 19.00 on Mondays to Saturdays, and between 09.00 and 16.00 on Sundays and Public Holidays.

Reason: In the interests of the amenities of the area, with special reference to the amenities of residents of the area

- 2 No more than two aircraft shall be allowed to fly at any one time, with a maximum of one further aircraft engine running on the ground.

Reason: In the interests of the amenities of the area, with special reference to the amenities of residents of the area.

- 1.2 There is an unmade grass track leading off the road across to the field to where club members meet, park, and fly their aeroplanes. The site consists of a large, open field, in a fairly remote location, with few dwellings nearby (although there are four within 100 metres of the site boundary). The site is within the Kent Downs Area of Outstanding Natural Beauty (AONB). It is located within Throwley Parish, with the parish boundary with Stalisfield nearby.

## 2.0 PROPOSAL

- 2.1 This application seeks a variation of conditions 1 and 2 of 16/504776/FULL to extend the hours of flying for electric powered model aircraft and gliders from 19.00 to 20.30 on Mondays to Saturdays and to increase the number of model aircraft flying at any one time from two to four with no more than one being internal combustion (IC) powered.

The applicants have included the following statement within their proposal:

*'The use of the site for model aircraft flying has continued successfully for over 30 years and the number of members has continued to grow. In the early days of flying at the site most model aircraft were IC powered. However, the nature of model aircraft flying has changed significantly over this period and since the original planning permission was granted with almost all model flying now being electric powered (currently in excess of 90% and increasing). Therefore, noise is now far less than when the original permission was granted and is not a material issue. To increase the number of model aircraft flying at any one time to four can be achieved safely and without increasing noise levels. The increase in hours would greatly help those members wishing to fly in the early evening, often when conditions are good for model aircraft flying, and would particularly assist those members wishing to*

*take part in the sport after work. The North Downs Model Club remains affiliated with the British Model Flying Association (BMFA) and complies with their requirements for good club management, especially with regard to the training of those new to the sport and the safe flying of model aircraft generally. The club requires all members to also be members of the BMFA which includes Third Party Liability insurance cover of £25,000,000. In addition, new legislation has recently been introduced to further control the sport with all owners of model aircraft being required to register for a unique operator ID.'*

- 2.2 The applicant advises that typically no more than two to six people attend the site on any given day and that maximum attendance is ten people.

### 3.0 PLANNING CONSTRAINTS

- 3.1 Outside any established built-up area boundary

Kent Downs Area of Outstanding Natural Beauty (AONB)

### 4.0 POLICY AND OTHER CONSIDERATIONS

Bearing Fruits 2031: The Swale Borough Local Plan 2017 - Policies:

- ST3 – Settlement Strategy
- DM14– General Development Criteria
- DM24 - Conserving and enhancing valued landscapes

### 5.0 LOCAL REPRESENTATIONS

	COMMENTS RECEIVED	OFFICER RESPONSE
Parish Councils	- Throwley PC – Objection raised; Stalisfield PC - No objection	
Residential Objections	- Five	
Residential Support	- None	

- 5.1 Five emails of objection have been received from local residents. Their contents may be summarised as follows:

- Sometimes the flying times and the amount of aeroplanes exceed those permitted already
- Flying is most often done after work, when residents need to relax and enjoy the peace and quiet
- Unsuitable in an AONB
- Increased use will lead to increased traffic – narrow lanes surround the site
- Not all flying club members are courteous and aware of the need to respect local residents
- No fly zones are not clearly marked

- 5.2 The applicant has responded to these concerns, and has suggested that, to ensure that residential amenity is protected, Condition (3) should be amended to allow four aeroplanes in the air, with only one being IC powered, and the omission of the aeroplane engine running on the ground.

## 6.0 CONSULTATION RESPONSES

- 6.1 Throwley Parish Council raises objection to the proposal. Their comments are given in full as follows: *'The Council are concerned at the additional hours being applied for as these times impinge on residents leisure time. Additional flying aircraft will also bring more traffic to very narrow lanes. We refer to the previous application, 16/504776/FULL, where permission was given with restrictions. The Council feel that this was a reasonable decision and gives ample opportunity to fly model aircraft. We oppose the new application.'*
- 6.2 Stalisfield Parish Council raises no objection.
- 6.3 KCC Highways and Transportation advises that the scale of the proposal does not require their involvement.
- 6.4 The Environmental Health Manager raises no objection to the proposal, and does not comment on the potential wording of conditions.

## 7.0 APPRAISAL

- 7.1 When deciding upon one of the previous applications (SW/13/0579) the case officer visited the site with a colleague from the Environmental Health Team on a flying day, to assess noise issues. They were both of the opinion that noise from the aeroplanes would be fairly minimal. Since that visit, I understand that there has been a major switch to silent flight (SF) aeroplanes, which would suggest that noise issues would now have a lesser impact on residential amenity.
- 7.2 I also note there have been no complaints over the last four years, and further note that the club has had over fifteen years to prove the minimal effect on residential amenity; I would suggest that the case was proven, and that the present level of use is acceptable; what now remains is to decide on the changes in use proposed, and to assess their impact on residential amenity.
- 7.3 As noted, the field in question is quite large and very open, making it an ideal spot for the flyers. I note that there are very few local residences in the immediate vicinity of the field, which would suggest that the numbers of those who might be affected is equally fairly minimal.
- 7.4 I note the concerns raised by the Parish Council and local residents, but I am of the opinion that, bearing in mind that model flying appears to be a fairly niche hobby, and that the club has been operating from the site for many years with no adverse impact on highway safety, it is unlikely that the proposal, if approved, would result in an increase in traffic which would be injurious to highway safety and amenity.
- 7.5 It is pleasing to note that the applicant has taken local concerns seriously, and has responded to these concerns by suggesting that, to ensure that residential amenity is protected, Condition (2) should be amended to allow four aeroplanes in the air, with only one being IC powered, and the omission of the aeroplane engine running on the ground. This will actually result in only one plane at any one time being IC powered, thus further reducing potential noise nuisance (under the present permission, three could be IC powered).
- 7.6 Finally, it appears that since flying started on this field, the increase in the use of SF electric planes has risen enormously, with the applicant stating that approximately 90% of the flights from this field are SF. As such, I consider that the proposal would have a

minimal impact on residential amenity, and I recommend that the proposal be approved, subject to the following conditions noted below. Conditions (3) to (7) below are as imposed under the extant permission 16/504776/FULL.

## 8.0 RECOMMENDATION – Grant subject to the following conditions:

### CONDITIONS

1. No model aircraft flying shall take place on the site outside the following times;  
  
Monday to Saturday 09.00-16.00 and at no time on any Sunday or Public Holiday; except for those craft capable of flying silently (electric), in which case the flying times may be extended to 20:30 on Mondays to Saturdays, and between 09.00 and 16.00 on Sundays and Public Holidays.  
  
Reason: In the interests of the amenities of the area, with special reference to the amenities of residents of the area
2. No more than four aircraft shall be allowed to fly at any one time, with at least three of those craft capable of flying silently (electric).  
  
Reason: In the interests of the amenities of the area, with special reference to the amenities of residents of the area.
3. The launching of internal combustion engine powered fixed wing aircraft shall only be from the larger north-eastern of the two take-off areas shown on the original application plan coloured in green and edged red, and the other smaller take-off area shall only be used for the launching of silent flight or helicopter models. No aircraft shall be allowed to fly beyond the boundaries of the field (as edged green on the original application plan) and within the field, no aircraft shall be allowed to fly within 200 metres of any dwelling, or within 50 metres of the public footpath to the south of the flying field. These 200m and 50m exclusion zones must be clearly physically marked out on site at all times that model aircraft are flying, by means that are readily visible from the launch areas, and details of which are first to be submitted to and approved in writing by the Local Planning Authority.  
  
Reason: In the interests of the amenities of the area, with special reference to the amenities of residents of the area.
4. Only model aircraft fitted with an effective silencer (muffler) can be flown at the site and must be silenced to a level that is below 82 dB(A) at a distance of 7 metres.  
  
Reason: In the interests of the amenities of the area, with special reference to the amenities of residents of the area
5. No aircraft flown at the site shall exceed a weight of 7 Kg and no internal combustion engine powered craft shall have other than two stroke internal combustion engines.  
  
Reason: In the interests of the amenities of the area, with special reference to the amenities of residents of the area.

6. The use permitted shall be for the sole use of members of the North Downs Model Flying Club.

Reason: In the interests of the amenities of the area, with special reference to the amenities of residents of the area.

7. Notwithstanding the provisions of Class B of Part 4 of Schedule 2 to The Town and Country Planning (General Permitted Development Order) 1995, as amended, there shall not be any competition flying, organised displays or joint club events related to model aircraft flying held on the flying field, as defined by the green line on the approved application plan, at any time.

Reason: In the interests of the amenities of the area, with special reference to the amenities of residents of the area.

### **The Council's approach to the application**

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.  
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

