
ITEM	APP/2007/6431	WARD Claughton
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Location: Birkenhead School Sports Ground Noctorum Road Noctorum Wirral CH43 9UQ

Proposal: Change of use from playing fields to playing fields and occasional use as helicopter landing site.

Applicant: The Bursar Birkenhead School 58 Beresford Road Oxton Wirral CH43 2JD	Agent: Edmund Kirby Nations House Edmund Street Liverpool L3 4eb
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Development Plan allocation and policies: Wirral Unitary Development Plan
P03 Noise
PPG24 Noise
RE6 Sports Ground for the Protection of Development
RE7 Criteria for the Protection of School Playing Fields.

Planning History: 5575
Erection of single storey games pavilion
Approved
13/07/1976

Representations and consultations received: REPRESENTATIONS

A site notice was displayed by the planning officer on a lamppost near the site. 16 letters of notification have also been sent to properties in the area. At the time of writing this report the following objections have been received.

The occupiers of Stokesay Lodge, 30 Brancote Road, The Gables, Linden, 1 Wexford Close, Noctorum House, 19 Broadmead, Wirral Ladies Golf Club, 64, Noctorum Lane, 1, 2 Middlewood, 6 Allonby Close, 66 Noctorum Lane, 2 Vyner Park Chentorie Lodge, Oak Cottage, Birkenhead Conservative Action Team, and Noctorum Ridge Conservation Group object to the proposal for the following reasons.

A petitions of objection has been received on the 16th August 2007 listing in total 163 signatures.

The reasons for objection relate to the following;

Noise and Disturbance
Liverpool Airport is within an accessible distance
Inappropriate development in a residential area
Could be detrimental to local wildlife
Safety Concerns
Lack of information with regard to flight paths
Conflict with the green and sustainability agenda.
Landings and take off early in the morning and late in the evening would be detrimental to wellbeing and residential amenity.
The noise would annoy and distract local golfers.
Larger building would be at risk of damage.
Noctorum Lane is unsuitable for emergency vehicles.

Councillor Stuart Kelly objects to the proposal on the grounds that it has the potential to nuisance to neighbouring properties. He has also requested that the application be taken out of delegation by an e-mail received on the 3rd August 2007.

CONSULTATIONS

Director of Regeneration - Housing & Environmental Protection Division has made the following comments.

1. To date there has been no records of having received any complaints or enquiries

about such an activity from the proposed site.

2. The legislation that is enforced with regards to statutory noise nuisance i.e. Environmental Protection Act 1990 specifically excludes noise from aircraft from being a statutory nuisance. Therefore if permission was granted no action could be taken if complaints were received.

3. The application does not give a meaningful indication as to the frequency of the site being used; it refers to an anticipated maximum usage of once a week whilst the Air Navigation Order 2006 simply refers to daylight hours. This could mean at the most extreme during the summer months that the helicopter could in theory arrive/depart somewhere between the 0500hrs and 2200hrs.

4. There is no indication with the application of any noise levels for the specific helicopter which would allow any meaningful calculations to be made to determine the likely impact of such and activity.

5. It would not be unreasonable to restrict the activity by specifying the type of helicopter to be used, the days that a helicopter could land i.e. not Saturday, Sunday or a Bank Holiday. Restrict the time when a helicopter could land and take off. 0900hrs to 1700hrs would be appropriate. It would also be appropriate to restrict number of take off per year with a further restriction on landings and take off within a shorter period of time; this would stop the total annual number possibly occurring within a very short period of time. These restrictions would reduce the potential impact upon local residents.

Director of Technical Services - Traffic Management Division no objection to the proposal.

Directors comments:

PROPOSAL

The application seeks approval for the change of use from sports ground from a playing fields to playing fields and occasional use as helicopter landing site.

PRINCIPLE OF DEVELOPMENT

Normally temporary uses, for up to 28 days per year would be permitted development by virtue of Part 4 Class B of the (General Permitted Development) Order 1995. However as there are buildings within the curtilage of the site this part of the GPDO cannot be applied. Furthermore, there is also the potential that the site could be used as a landing site up to 52 times per year. Paragraph 1.3 of the supporting document which was submitted with the application states that it is anticipated that helicopter landings at the site will take place no more than one landing per week.

Two named pilots have already been granted permissions by the Civil Aviation Authority to use this site. This has been confirmed in certificate issued by the CAA which has been submitted with the planning application.

SITE AND SURROUNDINGS

The application site is allocated as Sports Ground. It also falls wholly within then Noctorum Density and Design Guidelines area, although this is not relevant to this proposal. The topography of the land is flat which is bordered by a variety of large mature trees, most of which are of a deciduous type. A single storey pavilion next to Noctorum Road occupies a central section of the western side of the plot.

POLICY CONTEXT

Planning Policy Guidance Note 24

Planning Policy Guidance Note 24 offers advice on noise and includes the following in relation to helicopters and heliports.

"When determining a planning application for a heliport the predicted noise should not be assessed in isolation - account should be taken of local circumstances including the existing level of noise disturbance in the area surrounding the site and factors such as whether the area is already exposed to noise from fixed wing aircraft. Local

planning authorities will need to consider the effect of further disturbance resulting from the proposal.

Policy PO3 - Noise

Development will only be permitted where noise arising from the proposal will not cause unacceptable intrusion or persistent nuisance. In considering such proposals, the Local Planning Authority will have particular regard to:

1. The location of the proposal in relation to noise-sensitive development or land-uses
2. The existing overall of background noise within the locality
3. The level, tone, duration and regularity of noise likely to be emitted by the proposal, including any subsequent increase that may be expected in the foreseeable future
4. The provision made within the proposals for the mitigation or insulation of noise.

HEALTH ISSUES

There are no Health Issues that arise directly as a result of this change of use planning application.

APPEARANCE AND AMENITY ISSUES

It is considered that there would be no adverse visual amenity implications as there are no structures proposed nor are there any proposed markings on the ground surface. The 'H' on location plan purely illustrates the area where the helicopter would land.

The Environment Health section advise that they have no formal statutory controls to regulate aircraft operation in terms of noise nuisance, since noise caused by aircraft is exempt from the noise nuisance provisions of the Environmental Protection Act, 1990. However, they do have concerns that helicopter movements can cause a serious environmental impact due to noise and disturbance if they are not effectively controlled. If planning permission were to be granted, they would wish that conditions be attached to the permission to safeguard the amenity of local residents who may lie within the flight path. The conditions would exclude certain days in the calendar year in which the site can be used and also to restrict the hours of operation.

Noise can cause considerable disturbance especially when noise activity is introduced into an area where normal noise levels are low, which is the case here.

Despite there being a lower residential density in this part of Noctorum, it is considered that the helicopter's use is likely to seriously affect the amenity of local residents on its flight path. No evidence has been submitted as part of the application with regards to flight path, but given the site is heavily surrounded by residential properties in all compass directions, wind direction cannot be controlled and given that the CAA has given permission for low level flying i.e. 1000 feet, it is inevitable that there would be an adverse affect on residential amenity. As previously stated the aircraft is exempt from the Environmental Protection Act 1990, it is considered that the planning system is an appropriate tool for tackling potential noise problems, at the outset, by ensuring that noise generating proposals are located and designed to prevent conflict with neighbouring land uses, for instance primarily residential areas.

HIGHWAY IMPLICATIONS

Director of Technical Services - Traffic Management Division has no objection to proposal.

Conclusion

Whilst the local planning authority acknowledges that noise generated from a temporary use under Class B Part 4 of the (General Permitted Development) Order 1995, could also arguably cause nuisance and annoyance to residents, it is considered that the potential for harm and disturbance to residents arising as a result of a use beyond 28 days is very real and the local planning authority should exercise its powers to limit such harm.

Recommendation: **Refuse**

Reason(s):

- 1 It is considered that the site is unsuitable for the landing and taking off of helicopters as it would introduce an unacceptable level of noise, disturbance and annoyance, which would have an adverse effect on the amenities of residential properties. The proposal is contrary to Policy PO3 of the Wirral Unitary Development Plan and Government Advice contained in PPG24 Noise.

Last Comments By: 30 August 2007

56 Day Expires On: 17 September 2007

Case Officer: Mr G McGowan