SUPPLEMENTARY REPORT

PLANNING COMMITTEE (12th October 2015)

OBSERVATIONS/REPRESENTATIONS RECEIVED SINCE COMPLETION OF REPORT

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Additional Consultee Comments

Weeford Parish Council – Maintain their objection to the development given that it would result in a noise nuisance to local residents, businesses and users of the public footpaths and bridleways.

The applicant’s noise report fails to consider the impact of the development upon residents and users of the layby, located to the west of this site. Specifically object to the use of shooting locations 1, 2, 3 and 6 until it is proven that noise will not cause an annoyance to these sensitive areas in all wind conditions.

There are a number of inaccuracies and omissions within the planning application, which questions the credulity of the submitted information. For instance, the applicant’s noise measurement report makes assumptions based upon the person shooting the gun having done so in the correct direction and at the correct angle. Furthermore, the submission lacks detail regarding the location of the public footpath, the address of the site and where the activities other than clay pigeon shooting will take place within the site.

A recent planning appeal (APP/Q3115/C/14/3000532) states “The applicant’s acoustic report did not assess the noise from firearms other than ‘hush guns’. However, information in the report shows that in still conditions a standard 12 bore shotgun generates levels of 90db (A) at 100m, 80 at 300m, 73.9 at 1km and 52.1 at 1.5km. As an aid to assessing the impact of these levels, the report shows that the Chartered Institute of Environmental Health (CIEH) says that “for levels in the mid 60s, significant annoyance is engendered in a majority of sites”. From this I conclude that “significant annoyance” from open shooting would be experienced up to between 1 and 1.5km from the site”. This contradicts the results of the applicant’s noise report and therefore it is requested that an independent report be obtained by the applicant.

The shooting activities will, due to the noise generated, disrupt the tranquillity of users of the adjacent Bridleway, discouraging their use (02/10/15).

Weeford Parish Council (Further comments) – Overall the development lacks details on where the various activities will take place. Furthermore the footpaths and bridleways will effectively have to be closed during shooting.

Residents were initially unaware of the proposal. There is now however significant local opposition to the scheme with over 600 people signing a petition against the development, whilst objections have also been raised by two neighbouring Parish Councils.

The site occupies the highest point in the area and the submission fails to consider the cumulative noise impact of the various proposed activities. The development will generate significant noise, impacting upon the future viability of St Mary’s
Church, Schoolhouse Restaurant and Weeford Livery Stables. The noise report is not independent.

The impact of the additional traffic generated by the development on the A38 has not been considered (12/10/15).

Additional Neighbour Comments

A further 298 signature petition has been submitted to supplement the petition previously received from Weeford Parish Council.

4 additional letters of objection have been received from local residents. The objections can be summarised as follows:

- The clay pigeon and paint ball activities proposed to be undertaken within the site would have an adverse impact upon the safety of users of the adjacent Bridleway.
- The location plan submitted with the application includes land not within the ownership of the applicant.
- Impact on public amenity.
- There are areas adjacent to site, which are used for mares, foals, ewes, lambs, ponies and horses. There is insufficient distance between the stands and these areas to ensure the safety of these animals and any site users.
- The distances quoted within the noise assessment and Environmental Health Officer’s comment are inaccurate. No noise assessment has been undertaken from the north east of the site and Weeford Stable are located adjacent to the application site boundary, with Weeford Stables bring 120 metres from the nearest stand and the buildings containing buildings only 230 metres.
- The quoted 600 / 800 metres encompasses the entire village.
- No mention is made within the report of the Staffordshire Bridleway officer’s objection.
- The committee report references an operational site in North Warwickshire. This site operate under the 28 day rule and its operation was considered by North Warwickshire Borough Council in September 2011 where it was determined to reduce the hours of operation to between 10.00 and 14.00 on Sundays. The site was 900 metres from Newton Regis whereas the Weeford site is only 200 metres from the centre of the village.
- No events should occur during weddings or at the weekend when background noise levels from the A38 or M6 Toll are reduced.

Additional comments

A further letter has been received from the West Midland Region NFU, wherein they withdraw their support for the scheme given it will have a conflict of interest with other NFU members in the area.

The applicant has submitted an additional letter, which advises that:

- The petition against this development was generated through Blackbrook Antiques and their patrons rather than solely the local community.
- Only land within the ownership of the applicant has been included within the site.
- The safety aspects of users of the public footpath and bridleway has been clarified within the planning officer’s report.
- This land has been used for game shooting since 1939.
- The Clay Pigeon Shooting Association regulate clay pigeon shooting and will not issue a license for the use of this site if they are not happy with the safety of surrounding users.
Additional Observations

It is considered that the issues raised by the neighbours and Weeford Parish Council have been given full consideration within the main planning report, although it is noted that land ownership issues are a legal rather than planning consideration. With regards to the objection made by the British Horse Society access and bridleways officer for Staffordshire, this was summarised within the neighbour objections given that they were not a consultee for this application. Finally the measurement of 600 metres from Weeford Stables is the distance from the test site where noise from shots was measured to that site.

Overall, there are no new material issues raised by the additional information and as such in the wider planning balance, the suitability of this proposal remains unaltered and therefore it is recommended that this is a sustainable form of development and this application be approved.

Amended recommendation

Subject to satisfactorily addressing the requirements of Staffordshire County Council’s Flood Risk Planning and SuDs Officer; and to the owners/applicants first entering into a Section 106 Legal Agreement under the Town and Country Planning Act (as amended) to secure contributions/planning obligations towards:-

Amended Conditions

The latest layout plan needs to be reflected in conditions. This affects conditions 8 and 14 which shall read as follows:

8 Notwithstanding the details indicated on drawing no. M13.170.D.004 Revision F, before the development hereby approved is commenced, revised details indicating a communal bin collection point of sufficient size to accommodate the requirements of the Local Planning Authority shall be submitted to and approved in writing by the Local Planning Authority. The communal bin collection point shall be provided in the location agreed prior to first occupation of any of the dwellings hereby approved and thereafter retained for the lifetime of the development.

14 Before any of the dwellings hereby approved are first occupied, the parking and turning areas shall be provided in accordance with drawing no. M13.170.D.004 revision F, and thereafter maintained free from obstruction and retained at all times for their designated purposes.

The reasons for the above conditions remain unchanged.

Additional condition

Before the submission of any reserved matters, pursuant to condition 3, a detailed noise assessment shall be submitted to and approved in writing by the Local Planning Authority. This assessment shall include full details of the noise mitigation required, as referred to in 'Vibrock Ltd' report R15.8530/1/AP dated the 19th March 2015 and subsequent letter R15.8530/1/AP/Let1 dated the 7th October 2015 submitted in support of this application. The approved mitigation shall be implemented in full prior to the first occupation of the residential
development hereby approved, and thereafter maintained for the life of the development.

Reason: To safeguard the amenity of local residents from undue noise and disturbance, in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy.

**Amended Note to Applicant**

9. Your attention is drawn to the attached comments of Network Rail of the 14th July 2015 and 8th October 2015.

**Additional Note to Applicant**

The applicant is advised that part of the application site falls within land that may be required to construct and/or operate Phase One of a high speed rail line between London and the West Midlands, known as High Speed Two (HS2). Powers to construct and operate HS2 are to be sought by promoting a hybrid Bill which was deposited in Parliament on 25 November 2013. As a result, the application site, or part of it, may be compulsorily purchased. More information can be found at [www.hs2.org.uk](http://www.hs2.org.uk).

**Amended Consultations - In respect of amended plan reference M13.170.D.004 Rev. E, received on 21 September 2015**

**HS2** – Objection maintained. Although the amended plan shows the majority of the safeguarded area as landscaping, the visibility splay for the proposed new access off Colton Road does still encroach into the safeguarded area. It is recommended that the applicant submit a revised plan in line with previous suggestions and adjust the access so that it does not intersect the safeguarded area. (05/10/15)

**Environmental Health** – No additional comments to those already submitted. (25/09/15).

**Arboricultural Officer** – The plans have been amended to incorporate details from previously raised comments. There is no objection in principle to this development and landscaping details are expected in due course in regard of reserved matters if consent is granted. (05/10/15).

**Amended Consultations - In respect of amended plan reference M13.170.D.004 Rev. F, received on 5 October 2015**

**HS2** – In respect of ‘Proposed Layout Plan Ref F’, subject to a suitably worded condition to ensure permission relates to the amended plan, HS2 has no objections to the outline permission being granted. An informative note should also be included advising of the HS2 safeguarding. (06/10/15)

**Staffordshire County Council (Highways)** – With reference to drawing no. M13.170.D.004 Rev. F, there are no objections. No change to the recommended conditions as requested in previous comments on 23/09/15 with the exception of substituting the latest amended plan. (07/10/15).

**Network Rail** - Contrary to our previous comments believe that the development will impact on Network Rails right of access. Although land ownership is not a material planning consideration, the developer should be aware of the terms of the original 1984 conveyance. (8/10/15)

**Environmental Health Manager** – Following the receipt of a noise statement, proposed additional noise mitigation and amended site layout, no objections
subject to the submission of a detailed noise assessment for approval, prior to submission of reserved matters.
(12.10.15)

**Additional Observations**

Members should please note that the site layout plan within the Committee papers is a superseded version. The correct version (M13.170.D.004 Rev. F) of this plan is attached and included within the presentation. The key changes relate to the omission of the pedestrian access via the adjoining premises to the railway station and an amended turning facility.

I note the alteration of the view of Network Rail, however this view is based on the original proposed layout and although landscaping will be in the right of access area, no built form will be effected. Notwithstanding this, land ownership is not a material planning consideration.

An amended noise assessment was received on the 8th October 2015. The Environmental Health Manager has no objections subject to the submission of a detailed noise assessment prior to the submission of any reserved matters.

Following the receipt of the amended layout plan HS2 removed their objection to the scheme although, the issue of drainage/flooding is still under consideration. However a requirement to submit an appropriate drainage scheme has been recommended (condition 9), which allows for further consideration at a later date, should it be necessary.

With the exception of the above conditions and notes, the recommendation remains one to approve as set out in the main report but omitting reference to the need to demonstrate no undue noise nuisance.

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**Amended conditions**

Delete condition 8 relating to the occupation of the dwellings as this is not relevant to the Listed Building application and is covered by Condition 16 of 15/00485/FULM.