

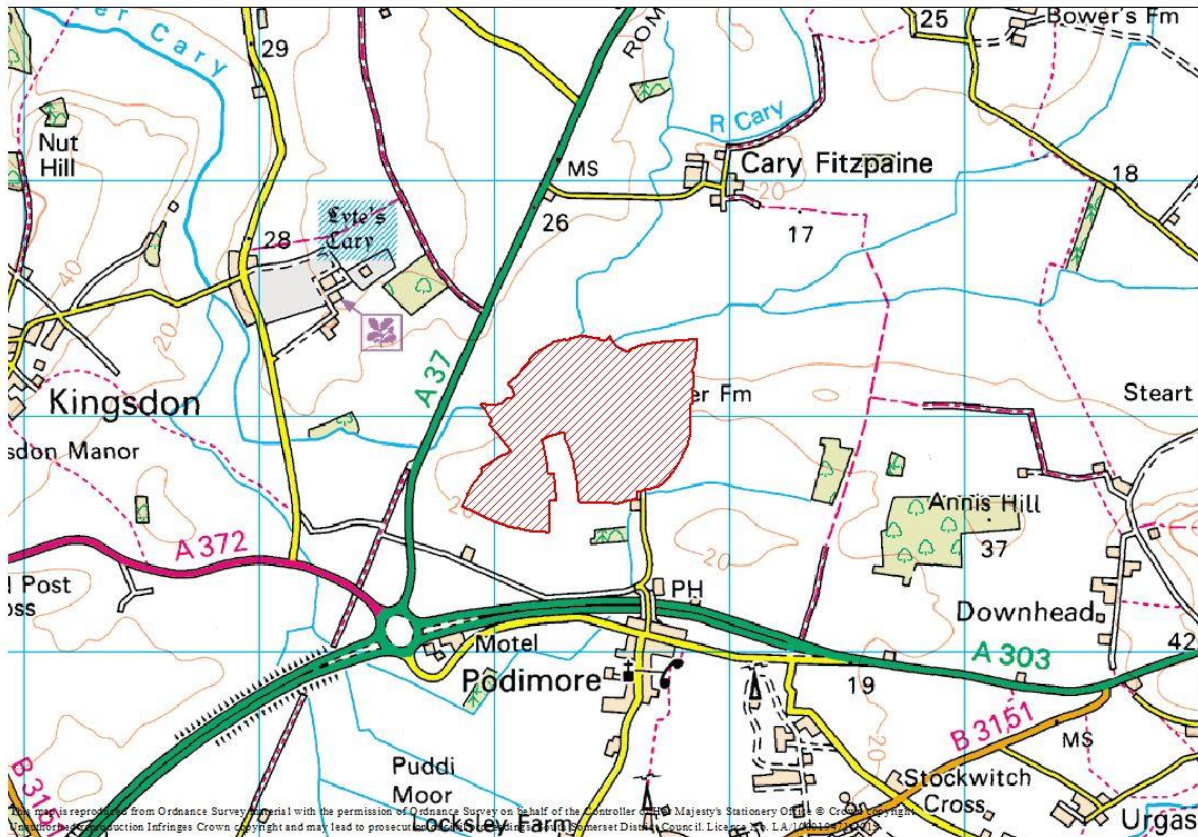
## Officer Report on Planning Application: 15/00425/S73A

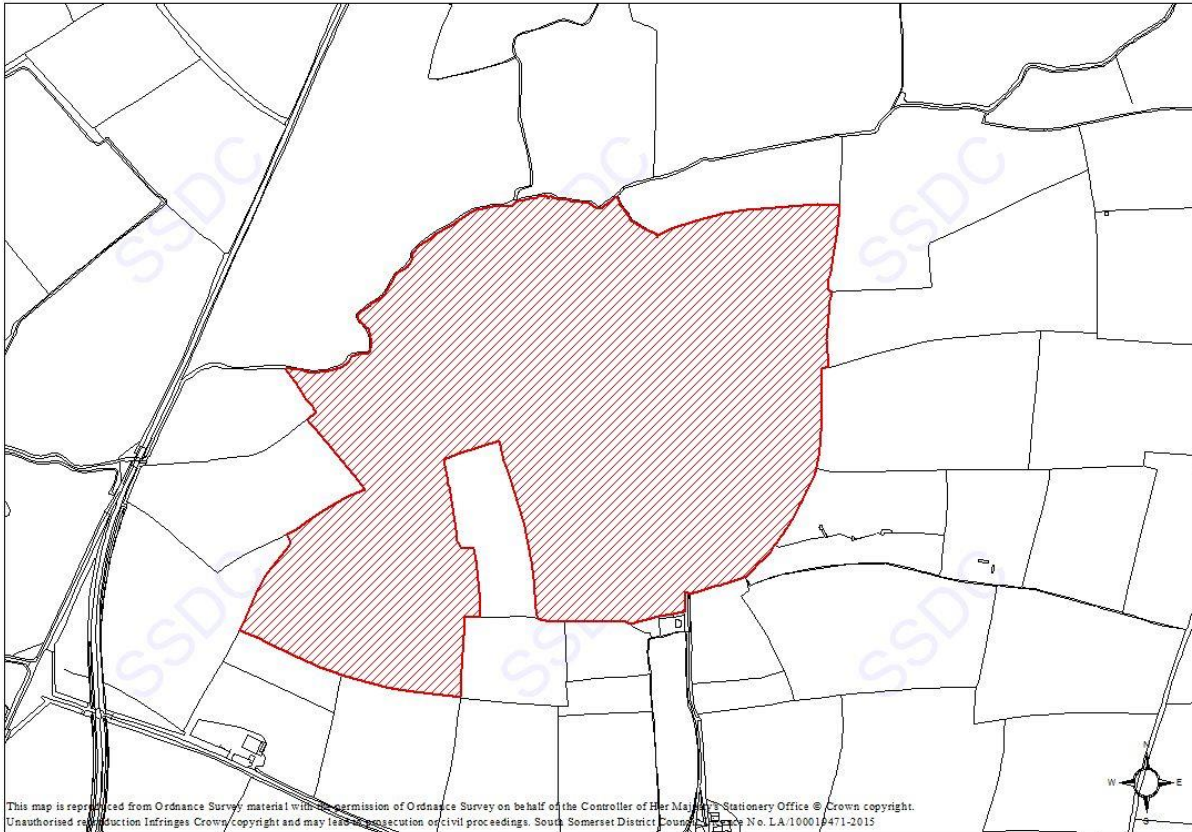
<b>Proposal :</b>	Application to vary planning condition 2 (hours of shoot) of approval 00/02600/COU to extend the hours shooting can take place (GR 354440/126123)
<b>Site Address:</b>	Land At Higher Farm Higher Farm Lane
<b>Parish:</b>	Yeovilton
<b>IVELCHESTER Ward (SSDC Member)</b>	Cllr A Capozzoli
<b>Recommending Case Officer:</b>	Mrs Jennie Roberts Tel: (01935) 462441 Email: jennie.roberts@southsomerset.gov.uk
<b>Target date :</b>	30th March 2015
<b>Applicant :</b>	Podimore Shooting School
<b>Agent:</b>	Boon Brown Architects Motivo Alvington Yeovil, BA20 2FG
<b>Application Type :</b>	Other

### REASON FOR REFERRAL TO COMMITTEE

This application is brought before Area East Committee at the request of the Ward Member and Area Chair.

### SITE DESCRIPTION AND PROPOSAL





Podimore Shooting School is located outside of any development area, to the north of Podimore.

In 2002, planning permission was granted by the Planning Committee for the use of the land as a clay pigeon shooting ground; this was conditioned as follows:

*"Shooting shall take place only on Wednesdays between the hours of 9.00 and 19.00 with a maximum duration of 6 hours.*

*Reason: To safeguard local residents from noise and disturbance."*

This application seeks to vary this condition, to allow for extended shooting hours as follows:

*"Shooting shall take place on;*

*Wednesdays 10am to 5pm*

*Saturdays 10am to 4.30pm*

*Sundays 10am to 3pm limited to one Sunday per calendar month*

*The shot to be fired shall not exceed 28 grammes in weight and the number, siting and direction of stands shall be as set out by plan 3391-001 unless otherwise agreed in writing with the planning authority."*

An application for a Certificate of Lawfulness has also been submitted, which seeks to prove that these extended hours have been operating for a period of 10 years or more, and as such, that they may continue to operate in this way by default.

## **RELEVANT HISTORY**

15/01223/COL - Application for a lawful development certificate for the existing use of land for clay pigeon shooting - pending

00/02600/COU - The use of land as a clay pigeon shooting ground - conditional approval - 26/11/2002

## **POLICY**

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

The following policies are considered relevant:-

South Somerset Local Plan (2006-2028)

SD1 (Sustainable Development)

SS2 (Development in Rural Settlements)

EP4 (Expansion of Existing Businesses in the Countryside)

TA6 (Parking Standards)

EQ2 (General Development)

EQ7 (Pollution Control)

National Planning Policy Framework

Chapter 1 - Building a strong, competitive economy

Chapter 3 - Supporting a prosperous rural economy

Chapter 8 - Promoting healthy communities

National Planning Practice Guidance

- Noise

Somerset County Council Parking Strategy (March 2012) and Standing Advice (June 2013)

## **CONSULTATIONS**

**Parish Council** - Recommends refusal due to the noise impact on Podimore residents

**County Highway Authority** - Standing Advice

**Environmental Protection** - Recommends refusal of the application due to the increased risk of harm to local amenity and possible noise nuisance.

**MOD (In relation To nearby Yeovilton Airbase)** - Committee to be advised of the response once it has been received

## **REPRESENTATIONS**

Objections

19 letters/emails of objection have been received in relation to this application. The majority of these are from residents who live locally to the site. Reasons why they would like the application refused include:

- In the past 18 months, there has been a dramatic increase in frequency of shots, volume of shots and number of days shooting
- The closure of Southern Counties Shooting off the A37 has seen a dramatic increase in the number of people attending the Podimore venue by car, which is a safety concern for pedestrians walking in Podimore village and up Higher Farm Lane

- On competition days, as many as 1 shot per second for many hours have been heard from inside a house 600m away which is double glazed and insulated
- Horses that residents own are disturbed and spooked by the shots
- The noise from shooting at the weekend makes it impossible for residents to relax outside and enjoy their gardens - weekends should be a time when residents can relax and enjoy their homes after working hard all week. The increase in shooting times adversely affects residents' much cherished weekends.
- The shoot is not in line with the Chartered Institute of Environmental Health's guidelines for Clay Shooting, in that there should be a minimum of 1km between stands and residential property
- The noise from the shoot is causing such stress to some residents that they are considering moving house
- The noise from the shoot negatively affects both residents and visitors alike, and detracts from the natural beauty of the area
- The noise from the shoot is intrusive and affects residents' lifestyles
- The noise from the shoot frightens livestock
- The continuous popping and banging from the clay being fired and shot at is very annoying and extremely loud
- The noise from the shoot is prolonged and excessive and is a nuisance to residents' wellbeing
- The noise from the shoot is affecting a resident's ability to study for his 'A' levels

## **Support**

20 letters/emails of support have been received. At least 19 of these are from people who do not live locally to the site. Reasons they would like the application approved include:

- The clay pigeon shoot has been in operation at the site for 24 years
- The ground is an important facility in the south-west of England, where there is a paucity of good shooting facilities, and two Olympic gold medallists have trained at the site
- The facility should be supported due to its longevity and importance to an Olympic sport in which our country has achieved notable successes
- The facility adds to the appeal of South Somerset as a leisure attraction and contributes to the business of local hotels and restaurants
- Most major shooting competitions are held on a Sunday because it is outside of the working week and competitors can commit to attendance
- Noise pollution is minimal, due to the maximum shot load allowed being 28g
- The ground is thriving with wildlife
- The ground is situated between two busy A roads and has the Yeovilton airbase nearby, and as such, noise from the clay target shooting school is insignificant
- Clay shooting is beneficial in teaching discipline, self control and confidence to young people

## **Neutral**

2 letters/emails have been received which neither support nor object to the proposal. Both are live locally to the site, and both state that the times applied for should not be exceeded.

## **ENVIRONMENTAL IMPACT ASSESSMENT**

None required

## **CONSIDERATIONS**

The main issue when considering this application to extend the hours for shooting is that of

noise and its impact on the residential amenity of local properties.

The Shooting School has already been operating outside its permitted times, and as such, is in breach of the planning condition which restricts shooting to Wednesdays. The Local Planning Authority was first made aware of this breach over a year ago, when various complaints about noise and disturbance caused by the shooting were received from a number of local residents. An enforcement case was subsequently set up, and the Council's Environmental Protection team were informed of the issue. Over the past year, the Environmental Protection officer (EPO) has worked with the complainants and the applicant to try to resolve the amenity issues, and various noise readings were taken. Noise complaints persisted, and as the applicant wished to continue shooting outside of the approved hours, he was invited to submit a S73a application. The EPO advised that a noise assessment to determine the likely impact on surrounding settlements and nearby dwellings should be conducted and submitted with the application. No noise assessment has been submitted with the application, despite reference being made to this within the agent's supporting statement on pages 5 and 6.

The EPO was consulted on the application and commented as follows:

*"Environmental Health has been in pre-application discussions with the applicant regarding this matter. During those discussions I raised concerns due to the potential for loss of amenity and possible Statutory Nuisance due to extending the permitted hours of shooting. During the pre-application discussions the applicant agreed to conduct and submit a noise assessment to determine the likely impact on surrounding settlements and nearby dwellings. It is my understanding that this assessment has not yet been submitted. Without this information I would have to take a precautionary approach and recommend against approval of the application due to the increased risk of harm to local amenity and possible noise nuisance."*

In addition to the recommendation for refusal from the EPO, the Parish Council has also opposed the application, due to the noise impact on local residents. It noted that noise impact had increased during the past few months for Podimore Village. This is backed up by the substantial number of objections received from nearby residents, as described in the 'Representations' section, above.

Whilst many letters of support have also been received, it is noted that the majority of these are from people who do not live in settlements local to the shooting school.

## **CONCLUSION**

Many local residents have stated that their home life is being made intolerable by the increase in shooting hours that has occurred, and the Environmental Protection Officer has recommended refusal of the application. Having regard to the above, it is considered that the application has failed to demonstrate that the extension of hours would not be detrimental to the residential amenity of the local settlements and dwellings, and as such the proposal is unacceptable and should be refused.

## **RECOMMENDATION**

Refuse to vary condition 2 of permission 00/02600/COU

## **FOR THE FOLLOWING REASON**

01. The application has failed to demonstrate that the variation to this permitted shooting hours would not be detrimental to the residential amenity of local settlements and dwellings in terms of noise and disturbance. As such, the proposal is contrary to policies EQ2 and EQ7 of the South Somerset Local Plan (2006-2028) and the National Planning Policy Framework 2012.