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TOWN AND COUNTRY PLANNING ACT 1990

PLANNING APPLICATION: CHANGE OF USE OF LAND TO USE FOR CLAY PIGEON RANGE

AT

LODGE FARM, COMMONWOOD, HOLT, WREXHAM

MR J F TOMLINSON

SUPPORTING SUBMISSION

and

DESIGN AND ACCESS STATEMENT

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Ref: SRT/931672/5

- 1) **Introduction.** Retrospective application is made for planning permission for the change of use of agricultural land to create a clay pigeon range associated with the Field and Falcon Gun Shop at Lodge Farm, Commonwood, Holt, Wrexham ("the Property").
- 2) **Background.** The Applicant operates a shop selling firearms and associated clothing and outdoor sporting goods at the Property pursuant to planning permission ref P/2014/0244. The business also provides gunsmith services – repairing, servicing, cleaning and modifying firearms; in relation to which it is essential for there to be a safe place where the guns can be tested, to ensure they are working correctly before being taken off-site by the customer. All firearms must be 'zeroed' to ensure their accuracy.
- 3) The Applicant uses the clay ground edged red on the plans submitted with this application, comprising c.68sqm (the "Application Site"), for this purpose (alongside the longer-range firing range applied for under reference P/2018/0776). The Applicant also undertakes supervised shotgun coaching on the clay ground.
- 4) **Application Details.** The Application Site comprises an enclosed area with three shooting positions comprised of a small timber huts; the layout can be altered by the relocation of the shooting huts, to accommodate the skill level of the individual shooting. The huts are each 3m wide x 1m deep x 2m in height and are constructed using 3" x 2" timber frame clad in shiplap boards ("the Huts") They are fully mobile and regularly relocated within the Application Site.
- 5) Within the Application Site, the Applicant has provided a large clay bund, the position and dimensions of which are marked on the Block Plan ("the Bund"). The Bund encloses the clay activity, providing further enhanced safety provision and sound insulation for the benefit of local residents.
- 6) The Bund has been seeded, so that it is grassed and therefore blends into the rural landscape.
- 7) Whilst initially in use for purposes ancillary to the shop and gunsmith activities, the Applicant has begun to open up the use of the site to customers looking for tuition as individuals or in small groups. The Application Site It is not large enough to be a fully commercial clay pigeon shooting range, and is used for zeroing firearms and tuition only.
- 8) **Safety.** Any concerns as to safety are outside the remit of the Planning regime, as there are other regimes which govern that aspect, but it is noted that the Applicant has taken all necessary safety measures in the layout and operation of the clay ground. In brief, the regulatory regime for firing ranges has been revised such that military inspection is no longer required. Under the new regime, the responsibility is on the owner/operator of a range to ensure it is constructed and maintained safely. Bodies such as the National Rifle Association or the National Small-bore Rifle Association operate inspection regimes for members.
- 9) The Applicant confirms that the Police have used the range and have no safety concerns. The Applicant has processes in place which ensure that, prior to entry onto the Application Site, all those using shotguns on the Application Site are registered on entry, to include whether they hold a shotgun licence, if so, their licence certificate is checked; any non-licence-holders are required to sign a disclaimer confirming that they have never been prohibited, pursuant to

Section 21 of the Firearms Act 1968, from holding a shotgun or ammunition in his or her possession; and each person shooting is registered as to the time of entry and exit.

- 10) The Applicant is fully and adequately insured in relation to public liability.
- 11) All those using shotguns on the Application Site are supervised by experienced and insured personnel. The Applicant now employs a part-time shooting instructor who is an ex-military sniper instructor.
- 12) Hours of Operation. The clay ground is open from 9am-5pm Monday-Saturday, however, in light of the Noise Management Plan referenced below, it is proposed to limit the duration of activity on Saturdays to 0900-1400, and not to operate the clay activity on Sundays or Bank Holidays. Use is strictly by prior appointment only. Currently Saturday is the busiest day. A shooting coach is limited to supervising 1 person at a time. Group events are arranged, whereby customers shoot in rotation, but the size of the Huts limits the level of use to three such persons at any one time, it is therefore a very small-scale activity.
- 13) Noise. The Application Site is in a rural area where the use of firearms is expected as part of normal agricultural activity, the degree of disturbance arising is therefore reduced. The nearest neighbours are some distance away. The direction of noise follows the direction of fire – to the north and west. The Bund provides a very effective noise barrier and absorption. The main activity in the clay ground is ancillary to the gun shop and gunsmithery, which is an activity authorised by permission ref P/2014/0244.
- 14) A noise assessment prepared by Clement Acoustics Ltd is submitted with this application. Receivers were positioned at the closest noise receptors, the location of which were identified in conjunction with the Local Authority's Public Protection department, as were the timing of the assessments undertaken and the standard and purpose for the report. The report assesses the likelihood of the clay operation (as well as the associated rifle range activity which is subject to a separate application) causing annoyance to the closest residential and noise sensitive receivers.
- 15) It is clear from the report that the noise levels generated by the clay activity as experienced by the most sensitive receptors, are within the category of *mean shooting noise level below 55 dB(A)*, at which level the BRE research as referenced in the relevant guidance document (Clay Target Shooting: Guidance on the Control of Noise) suggests that *annoyance is less likely to occur*. The noise levels experienced at Receiver 2 were well below 55 dB(A) - the average for the loudest 25 shots during the entire shoot being 41.3dB(A). The noise levels experienced at Receiver 1 (being closer) whilst higher - the average for the loudest 25 shots during the entire shoot being 51.8dB(A), still remained well below the 55dB(A) threshold.
- 16) The report identifies (at Paragraph 6.2) a Noise Management Plan which is proposed to be applied to the clay and rifle activities in order to protect the amenity of residential receivers. The Management Plan as is applicable to the clay activity specifies limited hours of operation, being Monday-Friday 0900-1700 and Saturday 0900-1400 with no shooting activity on Sundays or Bank Holidays.

- 17) It is considered that the noise generated by the clay activity is within acceptable limits and that the Management Plan will assist in mitigating any perceived harm.
- 18) Visual impact. The only element of the activity which has any material visual impact is the grassy Bund, which shields the activity from view from all directions. The Huts are small, timber structures which are appropriate in the rural landscape, they are moved around within the Application Site and are shielded from view beyond the Application Site by the Bund.
- 19) As noted above, the Bund is now grassed and it blends into the landscape and does not present any visual intrusion.
- 20) The range is not lit, as this is not required due to the limited hours of opening.
- 21) Access and Parking. Customers access the site from the south – using the access track off Borrass Road which provides access to the Field and Falcon shop where there is adequate parking for up to 30 cars. The access track is wide enough for two cars to pass, and the visibility along Borrass Road is extensive (and indeed is deemed suitable for the large vehicles attending the site in connection with the activity associated with the Anaerobic Digester).
- 22) Public Footpath. There is a public footpath (Ref. ALL/4) which runs approximately north west – south east alongside the site of the main Property, the route of which is indicated approximately on the plans submitted with this application. The route is adjacent to the Application Site but the Bund serves to separate it from the clay pigeon activity.
- 23) The Applicant's experience is that the route is used only annually (for an annual walk organised by the Ramblers Association); but it is nonetheless important to the Applicant that there are systems in place to ensure that any walkers using the footpath are aware of the firing range activity. Accordingly, the Applicant has placed signage along the route of the footpath, with horns that can be used by walkers to alert the range officer and users of the range of their presence.

Design and Access - Design Principles

- 24) Layout, Scale, Appearance and Landscaping. The size of the Application Site is appropriate to the use and the Bund serves to enclose the activity within the site, for safety and noise reduction purposes.
- 25) The Huts are also appropriate in scale, only being big enough to accommodate one shooter and the instructor.
- 26) The Application Site is in close proximity and well-related to the existing business operation so that it benefits from the existing access and parking arrangements.
- 27) Materials. The materials comprised in the Huts and Bund are described above, and are appropriate to their function and setting, blending well in the landscape.
- 28) Parking standards. The existing parking provision serving the Field and Falcon premises is adequate to accommodate the requirements of the firing range activity, and no changes are required to support the firing range.
- 29) Drainage and Waste Disposal. There are no aspects of this proposal which give rise to any alteration to the existing drainage and waste disposal arrangements.

Design and Access - Access Principles

- 30) Parking and Traffic Movements. Borrass Road (B5102) is a through-route between Holt and Borrass Head; it is a straight road which can accommodate the low level of traffic anticipated by this proposal. Many of the users of the range will be customers of the existing Field and Falcon shop and gunsmith. The viability at the access is more than adequate such that there are no highway safety implications.
- 31) **Planning Policy.** All applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for this area currently comprises the Unitary Development Plan 1996 - 2011 adopted by Wrexham County Borough Council on the 14th February 2005 ("UDP"). The Council is in the process of developing the Wrexham Local Development Plan 2013-2028 ("LDP") which will replace the UDP; the Deposit LDP has been submitted (together with the Schedule of Focussed Changes (upon which a public consultation is underway) and the associated submission documents) to the Welsh Government and the Planning Inspectorate for Public Examination. The policies in an emerging draft Local Plan are a material consideration in decision making but the weight to be attached to them does not simply increase as the plan progresses towards adoption, due to the assessment of soundness and potential for amendments and deletions arising from the examination process. The policies of Planning Policy Wales Edition 10, dated December 2018 ("PPW10"), should also be considered, along with the supplemental Technical Advice Notes ("TANs").
- 32) The proposal is for an outdoor recreation and leisure activity serving the rural community and which is wholly appropriate in its rural setting. The use of the range complements the existing gun shop. The Huts are mobile and are regularly moved around the Application Site.
- 33) UDP and LDP. The development objectives of UDP Policy GDP1 for (a) all built development to accord with the character of the site in its scale, design, layout, materials and landscaping; and (d) safe and convenient pedestrian and vehicular access to and from the site; and (f) ensuring the safety and amenity of the public, to include associated noise odour and vibration arising from the development; and (k) which is concerned to secure sustainable communities through the promotion of economic social and environmental well-being of the area, are complied with.
- 34) LDP Policy DM1 is akin to UDP Policy GDP1, and the proposal similarly accords with its requirements to a) accord with or enhance the character, local distinctiveness and appearance of the site and surrounding landscape; and (b) not to have an unacceptable effect on the amenity of occupiers of nearby properties/land by virtue of noise, disturbance and overlooking. It is clear from the conclusions of the noise report submitted that there will be no conflict with this policy, particularly in light of the noise Management Plan proposed.
- 35) There is no conflict with UDP Policy EC2, as the activity is well-aligned with the authorised gun shop and gunsmiths and is in-part ancillary to that use.
- 36) There is no impact on hedgerows, trees, woodland, landscape character or biodiversity such that there is no conflict with UDP Strategic Policy PS2 (Development must not materially

detrimentally affect countryside, landscape/townscape character, open space, or the quality of the natural environment) nor with the other related policies, nor with LDP Policy c.

- 37) The range gives rise to additional employment in terms of the range officer post, but this is accommodated within existing buildings such that there is no conflict with UDP Policy E5. Notably, Paragraph 7.11 states that *'New development in the countryside which would result in a loss of visual quality and landscape character and adversely affect agriculture will be resisted. However, in some rural areas there is a need to provide employment, prevent the loss of services, and maintain a viable and balanced community.'* The visual impact of this proposal is minimal and so will not have any adverse impact on landscape character, but *will* give rise to the benefits to the local community espoused here, by providing access to a countryside pursuit to local residents and the wider rural community. The proposal similarly complies with UDP Policy E6 which supports small farm-based employment operations.
- 38) LDP Policy EM4: Employment Development Outside of Settlement Limits is concerned primarily with new buildings, such that there is no conflict arising here: the LDP states in this context that *"New employment development in the countryside can help strengthen and diversify the rural economy. However such benefits must be balanced against the need to protect rural areas from inappropriate development that may harm the landscape or add traffic to rural roads that cannot safely accommodate it."* The proposal will give rise to the benefits, without any harm to landscape character, and without giving rise to traffic concerns.
- 39) LDP Policy SP9 concerns economic growth, and seeks to maintain and enhance the County Borough's tourism, culture and leisure offer taking into account the unique character, local distinctiveness of the area. The proposal offers a service to the local rural community but also the chance for the wider rural community to experience and learn a countryside pursuit which also supports the overarching objective of supporting a vibrant and diverse local economy.
- 40) The on-site parking provision is more than adequate for the use, such that UDP Policy T8 is complied with, as is LDP Policy T1. There is no conflict with LDP Policy SP12: Transport and Accessibility nor with the design principles set out in LDP Policy SP13.
- 41) The proposal is therefore in accordance with the relevant policies of both the UDP and the emerging LDP.
- 42) PPW and TANS. PPW10 identifies four themes which each contribute towards Placemaking; the themes draw together the linkages between planning policies to make it clear how individual components contribute to Placemaking. The development of sport and recreation activities is part of the 'Active and Social Theme' identified in PPW10 as one of the four themes which contribute towards Placemaking.
- 43) Supporting a strong rural economy, including through small-scale rural enterprises, is part of the 'Productive and Enterprising Places Theme in PPW10. Para 5.6.1 provides that *'A strong rural economy is essential to support sustainable and vibrant rural communities. The establishment of new enterprises and the expansion of existing business is crucial to the growth and stability of rural areas.'*

- 44) Para 5.6.4 makes clear that *'the expansion of existing businesses located in the open countryside should be supported provided there are no unacceptable impacts.'* As detailed above it is considered that this proposal accords with this provision.
- 45) Para 5.6.8 requires Planning authorities to 'adopt a positive approach to diversification projects in rural areas, acknowledging that they can provide additional income streams and strengthen the rural economy, bringing additional employment and prosperity to communities.
- 46) PPW10 section 6.7 relates to soundscape, and identifies the importance of protecting the impact on amenity wherever necessary. The Management Plan identified in the noise report submitted with this application achieves this objective.
- 47) TAN6 'Planning for Sustainable Rural Communities' supports the diversification of the rural economy (3.1.2); sports and recreation uses are specifically referenced in the list of activities which are likely to be appropriate (3.7.2)
- 48) The clay pigeon ground has limited visual or landscape impact; the layout is designed with safety as the paramount concern, and the existing business operation at the Property provides the necessary access and parking arrangements such that the overall design is considered to accord with the issues addressed in TAN12 'Design'.
- 49) TAN 16 'Sport, Recreation and Open Space' encourages sport and recreational uses, subject to there being no unacceptable adverse effects on the environment, water quality, biodiversity, the amenity of local residents and the enjoyment of the resource by other users (3.32) – the proposed use will give rise to the economic and social benefits arising from a recreational use, without giving rise to any of the harms referenced here.
- 50) TAN 18 'Transport', at 3.4 references 7.7.1 of PPW9, which seeks to promote and encourage farm diversification, even where sites are not accessible by public transport and/or where there might be transport implications. The Application Site is easily accessible, and it is not anticipated that there will be an adverse impact on local infrastructure as a consequence of the firing range activity.
- 51) **Summary.** The use as a clay pigeon range complements the existing Field and Falcon business operating at the Property, and is appropriate in this rural location. It will support the gunsmith activity, whilst also providing an outdoor recreation use for the local and wider community. It has been ongoing since 2013.
- 52) Rural diversification and outdoor recreation proposals are supported by Development Plan and national policy. The economic and social benefits of this proposal are clear, and the nature of this use means that there will be very limited impact on the locality, on landscape, and on local infrastructure.

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