

The ecology report identifies several areas where care would need to be taken in preparing the brook prior to the excavation of the wider area. These matters can be controlled through the use of conditions.

A condition is also recommended requiring the submission and subsequent implementation of a landscaping scheme. In the main this should concentrate on the replacement of the trees adjacent to the Nestle factory, perhaps with native black poplar and the creation of habitat along the widened brook course to encourage the re-establishment of flora and fauna.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.

2. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the appearance of the area.

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance of the area.

4. Before works are commenced a method statement for the clearing of the brook course shall be submitted to and approved in writing by the Local Planning Authority. The statement shall set out the procedure to be followed to clear the embankments of vegetation and trees before other works are commenced. The statement shall follow the format of Section 5 of the Supplementary Ecological Survey Report dated June 2004 prepared by MRB Ecology and Environment. It shall include the name and qualifications of any persons carrying out the preparatory works and any persons to be brought in to advise on potential water vole burrows or other protected species that may be identified during the course of any works.

Reason: In the interests of ensuring that the impact on the fauna of the area is minimised in accordance with Policy ENV 3 of the emerging South Derbyshire Local Plan.

5. The reasonable planning requirements of the consultees.

Informatives:

The grant of planning permission does not entitle developers to obstruct public rights of way affected by the proposal. Development, in so far as it affects the right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 or 257 of the Town and Country Planning Act 1990 for the diversion or extinguishment of the right of way has been made and confirmed. Nor should it be assumed that because planning permission has been granted an order will invariably be made or confirmed.

To contact the Area Engineer South, Trent Valley Area, Derbyshire County Council, Director of Environmental Services, County Hall, Matlock, Derbyshire (Tel. 01629 580000 ext 7595) at least six weeks before the commencement date of the proposed works in order to arrange the necessary supervision of works to the highway.

It is reported that bats may frequent/inhabit the site. It is an offence to kill or damage or disturb bats or their roosts. If bats are found you are advised to inform English Nature, Manor Barn, Over Haddon, Nr. Bakewell, Derbyshire, DE45 1JE. Practical advice on how to protect/relocate any bats may be obtained from the Derbyshire Bat Group.

The Derbyshire Wildlife Trust suggests that the landscaping scheme would benefit from the inclusion of measures to manage the watercourse for the benefit of the bio diversity of the brook. It is suggested that the landscaping scheme should include the planting of male and female native black poplars and that the stream could attract water voles if the scheme included appropriate marginal planting. It is further suggested that the brook should be fenced off, except for a few drinking points, to prevent horses or cattle from poaching the new stream banks.

To note the comments of the Environment Agency (attached).

24/08/2004

Item 1.6**Reg. No.** 9 2004 0945FH**Applicant:**

Mr MrsJ Lemmon
 16 Lawn Avenue
 Etwall
 Derby
 DE65 6JB

Agent:

Mr. P. Billham
 Planning
 Old School Lodge
 Aston On Trent
 Derbyshire
 DE72 2AF

Proposal: The erection of an extension at 16 Lawn Avenue Etwall Derby**Ward:** Etwall**Valid Date:** 21/07/2004

Councillor Lemon is the Applicant.

Site Description

The site is a detached house located within residential area of mainly detached properties.

Proposal

The application proposes the erection of a first floor rear extension over a previously permitted single storey rear extension.

Planning History

Planning permission was granted in 1981 for a front porch and single storey rear extension extending 4.5 metres out from the rear of the original house. A further planning permission was granted for a rear conservatory to the side of the permitted extension in 1994. Both permissions have been implemented.

Responses to Publicity

An objection has been received regarding overshadowing of the adjoining property for the majority of the year because the extension would be two metres away, on the southern side of the neighbouring dwelling and at an elevated level.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: n/a

Local Plan: Housing Policy 13
Emerging Local Plan: Policy ENV21

Planning Considerations

The main issues central to the determination of this application are the impact of the extension on the amenity of the occupiers of the adjoining dwellings and the design and external appearance of the proposal.

Planning Assessment

The proposed first floor extension will have some impact on the amenity of the neighbouring property at No 18 Lawn Avenue which has a main living room window on the rear elevation. Although the proposal will cause some loss of sunlight to this neighbouring property it is not thought to be sufficient justification to warrant a refusal. The proposal complies with the 45° rule for overbearance as set out in South Derbyshire District Council's Supplementary Planning Guidance – Extending Your Home. The design and appearance of the extension are considered acceptable.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.

2. All external materials used in the development to which this permission relates shall match those used in the existing building in colour, coursing and texture unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the existing building and the locality generally.

Item 1.7

Reg. No. 92004 0761FI

Applicant:
Roger Bullivant Ltd
Walton Road
Drakelow
Burton On Trent
Staffordshire
DE15 9UA

Agent:
Roger Bullivant Ltd
Walton Road
Drakelow
Burton On Trent
Staffordshire
DE15 9UA

Proposal: The erection of a concrete batcher at Roger Bullivant Ltd
Walton Road Drakelow Burton-on-trent

Ward: Linton

Valid Date: 14/06/2004

Site Description

The application site is within a large industrial site and located between an existing industrial building and trees which are protected under a Tree Preservation Order. The site is screened from the public highway by the trees.

Proposal

The application proposes the construction of a new concrete batching plant. The machinery attains a maximum height of 18.7 metres and comprises essentially a 4 bin hopper with associated conveyor belts and concrete mixing equipment.

Applicants' supporting information

The new equipment is part of the continuing investment at the Drakelow site in modern plant and technology as highlighted in other applications made in recent months.

Planning History

Planning permission for a concrete batching plant between the two buildings known as Express 1 and Express 2 was granted in 1999. Several other applications have been dealt with recently and are under consideration for extensions to the industrial and office buildings.

Responses to Consultations

The County Highway Authority has requested additional information to establish how this proposal relates to existing operations at the site and whether the equipment is a replacement for existing equipment. Once these details have been received the comments of the Highway Authority will be reported verbally to Committee.

The National Forest Company has commented on the fact that several planning applications have recently been submitted and that none of them have related landscaping proposals in line with National Forest guidelines. The National Forest consider that there needs to be an integrated development and landscaping framework for the whole site which would provide a context for assessing how individual planning applications and accompanying landscaping fit into the overall plans for the site.

The Environmental Health Manager has no objections in view of the fact that noise levels at the site are controlled through a s106 agreement and dust emissions are controlled by the authorisation process, a variation of the current permit is underway.

Responses to Publicity

None received.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Economy Policy 4

Local Plan: Employment Policy 1

Emerging Local Plan: EMP 3

Planning Considerations

The main issues central to the determination of this application are the impact of the proposal on the appearance of the surrounding countryside and highways considerations.

Planning Assessment

The proposed batching plant will be located adjacent to an existing industrial building and there is a wide bank of trees between the site and the highway, which is the nearest public vantage point. The trees and existing building will screen the batching plant. It is considered that as the batching plant is well screened and contained within the existing industrial site the development will not detract from the appearance of the surrounding countryside. Since there is no enlargement of the site area of the production facility, applying the National Forest guidelines for planting would be inappropriate.

The Applicant has stated that the concrete batcher is part of the modernisation of equipment at the site and therefore on this basis it is considered unlikely that there will be any highways implications. Under this programme the existing batcher is intended to be phased out in the next 18 months.

In order to control noise satisfactorily an amendment to the S106 Agreement will be necessary.

Recommendation

Subject to the inclusion of the current application in the Section 106 Agreement under which the company has undertaken not to exceed specified noise levels **GRANT** permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.

2. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the appearance of the area.

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance of the area.

Informative:

The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.

24/08/2004

Item 2.1**Reg. No.** 92004 0875R**Applicant:**

Steven Frixou
1 Westbank Avenue
Derby
DE22 1AQ

Agent:

Steven Frixou
Apollo On Site Services
17 St James Street
Derby
DE1 1RF

Proposal: The variation of Condition 5 of planning permission 9/0589/0271 to enable a Winter schedule of 20 Sundays per year and 8 Summer Sundays that are all reduced to finishing at 1.30pm and also reduce the hours of weekday operation at Lowes Shooting Ground Lowes Lane Swarkestone Derby

Ward: Aston**Valid Date:** 20/07/2004**Site Description**

See attached previous report 9/2003/0319/R.

Proposal

The proposal would provide for Sunday shooting as set out in the applicant's supporting information and subject to the following specific hours:

Mondays	Bank Holidays only
Tuesdays	1330 hrs – 2000 hrs
Wednesdays	1200 hrs- 2000 hrs
Thursdays	1000 hrs – 2000 hrs
Fridays	1000 hrs – 1700 hrs
Saturdays	0900 hrs 2000 hrs.
Sundays	1000 hrs – 1330 hrs

Applicants' supporting information

- a) Shooting is sought for 28 Sundays per year. 20 of these would be held in the winter, when people are less likely to be in their gardens and affected. The other 8 would be in the summer.
- b) The applicant would be happy to reduce shooting times, to finish at 1.30 p.m. rather than 2p.m.
- c) Lowes Lane residents are in favour of the proposal as part of a package of measures for running the shoot. A summary of a residents' meeting is attached.

- d) Recent test have shown the background noise from the A50 to be rarely exceeded by noise from the shoot. Permission has been granted for Sunday shooting at Yeavely Clay Sports Ground where noise levels were higher than at this application site.
- e) A condition requiring the cessation of shooting in the event of excessive noise incidents. A committee of residents at Lowes Farm would be empowered by the applicant to monitor and enforce this requirement with Council as arbiter. This would avoid enforcement difficulties if the environmental health department were to be relied upon in this regard.
- f) As a matter of fairness a meeting should be convened at Lowes Farm to assess noise levels there. Noise from the site has significantly reduced and is drowned out by the A50. Consultants confirm that the noise is negligible.
- g) Concerns of objectors should be weighed against the previous owner's inconsistent actions and not the new owners, who have addressed the issues and are content with any stringent conditions to safeguard the future of all parties.
- h) A supporting letter from the Disabled Shooters Group endorses the ground as one of the most disabled friendly in the area with several disabled members who would wish to organise shoots on Sundays.
- i) Many grounds that benefit from Sunday shooting do not meet draft CIEH guidance. The application site would likely meet any government approved guidance.
- j) A letter from the Clay Pigeon Shooting Association remarks on the improvements to the site made by the applicant. The site is capable of running national and international competitions, with consequent benefits to the local economy. Sunday shooting is essential for these. The sport is vastly expanding, partly as a response Olympic and Commonwealth Games successes, and the applicant's proposal is supported by the CPSA.

Planning History

See attached previous report 9/2003/0319/R.

Responses to Consultations

The Highway Authority has no objection.

The Environmental Health Officer has referred to the applicant's supporting documents but maintains objection in the terms expressed in the previous report 9/2003/0319/R.

Responses to Publicity

An objection has been received in the following terms:

- a) Sunday should be the quietest day of the week.
- b) The offer to give up weekday shooting is ludicrous when shooting presently only occurs on one afternoon in the week.
- c) The nuisance value of the site is no less than with previous owners. The reasons for rejecting the proposals are as valid now as then.
- d) Under present guidelines it is unlikely that permission would have been granted for shooting at the site. Therefore there can be no basis for granting permission now.
- e) The site is too close to dwellings to be acceptable and cannot comply with the guidelines.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Leisure Policies 1& 4

Local Plan: Recreation and Tourism Policy 1

Emerging Local Plan: Policy LRT3 and ENV15

Planning Considerations

The main issues central to the determination of this application are:

- The principle
- Noise
- Highway safety.

Planning Assessment

The application introduces no new material considerations since the last application was considered. Therefore the assessment in the previous report 9/2003/0319/R is applicable also to this case.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

Recommendation

REFUSE permission for the following reasons:

1. Because of the site's position relative to residential property around it, noise generated by Sunday shooting would lead to unacceptable disturbance to the occupiers of residential property and also to those involved in passive countryside recreational activities. As such the proposal is also in conflict with Recreation and Tourism Policy 1 of the adopted South Derbyshire Local Plan and Environment Policy 15 of the emerging South Derbyshire Local Plan.



10/02/2004

Item 2.1**Reg. No.** 9 2003 0319 R**Applicant:**

Steven Frixou
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Agent:

Steven Frixon
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Proposal: The variation of condition 5 of 9/0589/0271 to permit shooting for four hours on alternative Sundays at Lowes Shooting Ground Lowes Lane Swarkestone Derby

Ward: Aston

Valid Date: 12/03/2003

Site Description

Lowes Lane Shooting Ground is situated about 300 m to the north of the A50. The built up edge of Chellaston is about 1 km to the east and Sinfin some 1.5 km to the north west. A complex of dwellings at Lowes farm is about 0.6 km away to the south of the A50. Swarkestone village is about 1.3 km distant and Barrow on Trent 1.6 km. The Hill Lodge, Moor Lane is some 0.9 km to the south west.

Proposal

The proposal would allow Sunday shooting as set out in the applicant's supporting information.

Applicants' supporting information

This comprises three separate statements, from the applicant, a noise consultant and a planning consultant.

The applicant's personal submission is summarised as follows:

- a) The previous owner operated using noisy cartridges and failed to keep to the permitted hours of shooting.
- b) In the interim the A50 has been built and earth banks have been constructed around the shooting ground for noise attenuation.
- c) When Sunday shooting was granted on a temporary basis the previous owner failed to keep to the permitted hours.
- d) The former owner ceased his business in 2000.
- e) The A50 is now open and carries around 35000 vehicles daily, with high levels maintained on Sundays.

- f) Whilst not in use for shooting the site has been used by motor cycle scramblers, which are noisier than guns, but generated no complaints.
- g) The applicant has endeavoured to liaise with the local community and wishes to work with his neighbours.
- h) The applicant would be prepared to accept a 12-month temporary permission. If a permanent permission were granted the applicant would be willing for this to be subject to a legal agreement to stop Sunday shooting, if the correct conditions for running the grounds were not adhered to.

The noise consultants' report concludes as follows:

- a) Noise measurements were carried out at three properties and the recorded levels fell within accepted noise guidelines. Under some meteorological conditions there may be increased noise levels but these would still fall within the recommended range to prevent annoyance.
- b) The purpose of the survey was to measure and objectively evaluate noise levels from shooting on a Sunday. The measured and predicted levels have been compared with independent research findings in the Clay Target Shooting Guidance. This would suggest that annoyance is less likely to occur at mean shooting levels below 55dB(A). This represents the noise criteria at most of the properties considered except in meteorologically adverse conditions. The main exception is Lowes Farm, which under adverse shooting conditions may be subjected to mean shooting levels of up to 60 dB. However no complaints have been received from Lowes Farm. To demonstrate compliance with any noise limits that may be applied it may be necessary to carry out routine noise measurements at properties.
- c) To take account of days when wind or other meteorological effects may significantly increase noise levels at property, these conditions could be measured prior to commencement of a shoot and it may prudent to cancel or postpone a shoot.
- d) There is no evidence to suggest that shooting on a Sunday would generate noise levels that would be considered annoying.

The conclusions of the Planning Consultant's report are as follows:

- a) Lowes Lane Shooting Ground is located away from any immediately adjacent residential properties. It has had planning permission to open as a shooting ground between the hours of 9.00 am and 8.00 pm Monday to Saturday since 1989. This proposal seeks to reduce these.
- b) PPG24 (Planning and Noise) sets out noise mitigation measures and these have already been undertaken. It also stresses that some noise is acceptable and there must be a balance between the enjoyment of the participants and nuisance to other people.
- c) The Structure Plan promotes sport and recreation throughout Derbyshire. Similarly the adopted and emerging local plans also support this view within South Derbyshire. The emerging local plan also deals specifically with noise and allows developments that might generate noise if mitigation measures are put in place.
- d) There is a wide range of mitigation measures in place. There are earth banks, rifles and older cartridges are banned, CCTV has been installed to monitor the use of the ground and recorded tapes are available for anyone to view, and a security guard has been employed to prevent any out of hours shooting.
- e) The Noise Survey by Testing and Analysis Limited was recently undertaken and takes on board the guidance published by the Chartered Institute of Environmental Health ('Clay Target Shooting: Guidance on the Control of Noise'). The survey concluded that

shooting on alternative Sundays will not generate noise levels that would be considered annoying.

- f) It is evident that the applicant has suffered from the way the site was operated in the past before his control of the site. He has undertaken a number of key measures to mitigate any noise and has informed the local residents of his intentions, including holding a public meeting at Barrow Parish Hall, as well as talking to local councillors. The applicant has also visited the majority of the property owners at Lowes Farm, who are nearest to the shooting ground, and most did not know of the ground's existence. The noise survey has concluded the level of noise is acceptable and planning guidance and policy entirely supports the application.
- g) Separation distances set out in the CIEH guidance apply to open land, whereas the site is surrounded by noise reducing embankments.

In response to the Environmental Health Manager's observations the applicant's planning consultant adds further comments as follows:

- a) The application was submitted taking into account the latest guidance on noise regarding clay pigeon shooting.
- b) Section 4 of the CIEH guidance is especially relevant. This states that topographical features can offer substantial protection against noise. The site benefits from such topographical features and substantial noise attenuation measures have been put in place.
- c) The applicant is willing to enhance noise attenuation measures and would enter into a legal agreement to implement these.
- d) Deviation from the Code's recommendations should be able to be readily defended.
- e) The contention that properties to the side of the shoot were not considered in the noise consultants report is not factually correct. Properties at Hill Cottage Lowes Farm and Chellaston were monitored. It is quite clear that noise levels in the direction of shooting are much greater than noise levels to the side.
- f) In concluding that the proposal would not generate annoying noise levels, Hill Cottage was specifically mentioned. However the applicant has become aware that that shooting takes place near to that property on the basis of permitted development. The resultant noise is nothing to do with the subject site. (See Responses to Publicity)
- g) It is not agreed that separation distances are the only factor to have a significant effect on noise reduction. The incidence of earth banks and topography attenuates noise.
- h) The applicant has not received direct complaints and has not been advised of any. He has therefore not had the opportunity to investigate the source of noise that has led to complaints. If a resident felt that on any day the shoot was excessive then readings would be taken. If on this objective basis any complaints were justified because of unusual atmospheric conditions the ground would be closed for the relevant day. The applicant is willing to enter in to a Section 106 Agreement to provide control in this regard.
- i) Complaints should be analysed to establish whether the source of noise is generated by casual shooting on nearby fields, not under the control of the applicant. It is also significant that the Council has not received complaints from the occupiers of residences at Lowes Farm (see Responses to Publicity).
- j) Future complaints cannot be a valid material consideration. There may be none.
- k) In addition to earth banks, planting and the A50 the applicant bans rifles and loud older cartridges. A guard is employed to prevent out of hours usage and travellers have been dealt with by the applicant. The applicant is prepared to fund traffic calming in Lowes Lane.

- l) The application does not simply request Sunday shooting – it asks for an amendment to overall shooting hours that would result in a 33% reduction or 21.5 hours reduction per week.
- m) The applicant would be willing to accept seasonal usage, with reduced usage in the spring and summer when people wish to be in their gardens.
- n) A site inspection should be undertaken to assist in determining the application.
- o) There is no objective basis for refusing permission.

Planning History

Permission to use the land for shooting was granted in 1989, subject to the hours of operation as stated by the applicant's planning consultant. In 1993 permission was granted for a temporary period (12 months) to enable Sunday shooting to be undertaken on a trial basis. A subsequent application to continue Sunday shooting was refused in 1995 on the grounds that there had been substantial objection in respect of noise.

Responses to Consultations

Barrow on Trent Parish Council objects for the following reasons:

- a) The noise from the site is very intrusive and Sunday is a day when people like to rest and spend time in their gardens. They welcome peace and quiet.
- b) This has been raised before and there was strong opposition from residents of the parish.
- c) Notice of the public meeting held by the applicant was posted through the doors of some residents on Twyford Road the previous day. The remainder of the village was not informed.
- d) No notices were placed around the village or in the Parish Magazine.
- e) There is concern that non-attendance of the meeting implies acceptance of the proposal. The Parish Council remains opposed to shooting.

Derby City Council objects on the following grounds:

- a) Although properties in the City boundary are more distant from the shooting ground, they are in the approximate direction of shooting and are therefore more likely to be affected by noise, particularly in unfavourable weather conditions.
- b) The masking effect of noise from the A50 is likely to be at its lowest level on Sundays, and there is a history of complaints following previous Sunday shoots.

The Environmental Health Manager has provided a detailed appraisal in respect of the noise issue, the conclusions of which are as follows:

- a) Whilst the noise from present operations has not been found to constitute a statutory nuisance, the shoot noise is frequently audible and under certain weather conditions and is sufficiently intrusive to represent a loss of amenity.
- b) Research work by the British Research Establishment, as discussed in the guidance, found that 'for a given exposure level, community annoyance was found to vary significantly between shoots, but no particular shoot characteristics or socio-demographic variables were seen to be associated with the degree of annoyance'. The causes of variation in sensitivities in differing areas is not clear, therefore it is difficult to impose specific noise levels and parameters. Ultimately, it is likely that the only factor to have a reliable, significant effect on noise reduction is that of separation distances. There are

properties within the vicinity of the shoot that are less than the recommended separation distances as set out in the CIEH guidance.

- c) Complaints received by the division have generally been in relation to disturbance experienced during Saturdays and weekday evenings when complainants are at home. The division continues to receive complaints despite change in the management and operation of the site. To extend the operation of the shoot into Sunday's leisure time would inevitably lead to complaints and further reduce the residents' acceptance of an already unpopular venue.

The Highway Authority has no comment.

Responses to Publicity

10 letters have been received from individual householders. In addition objections have been received from Chellaston Residents Association along with a letter signed by six householders within the Lowes Farm complex. The settlements from where the letters originate are Swarkestone, Barrow, Sinfin and Chellaston. The objections are summarised as follows:

- a) Noise from the A50 is significantly less on Sundays because there are few HGVs, which are the dominant source of noise in the road.
- b) The applicant's interpretation of the CIEH guidelines is selective and indicates that dwellings not in the direction of shooting, or behind it, can be ignored. There are several properties too close to the shoot that will experience noise.
- c) Had the guidelines been in existence at the time of the original application for the shooting ground there is no doubt that permission would have been refused. That decision has to be put up with but there is no justification in compounding the problem by shooting on Sundays, when residents should be guaranteed peace and quiet.
- d) Whilst the applicant's efforts to address local concerns are acknowledged there is little that can be done, in view of the separation distances, to eliminate the nuisance caused.
- e) Whilst the applicant offers to reduce the hours of shooting the site does not always operate in the week and the Sunday shooting would actually increase overall noise. The noise report does not reflect the actuality of the situation in this regard.
- f) There is no need for a trial period as there is already experience of the noise from the site.
- g) There would be no real value to the community.
- h) There are many other venues and ad-hoc Sunday shoots operating in the area.
- i) The noise would exacerbate disturbance from other noise generating activity in the area.
- j) Noise from the shoot can be heard indoors (at Woodshop Lane Swarkestone) with windows and doors closed.
- k) Noise bunds have failed to reduce noise.
- l) In respect of noise levels the frequency and duration of shooting is disturbing.
- m) Variable climatic conditions result in exacerbated noise levels in certain localities.
- n) There would be an unacceptable increase in traffic on unsuitable roads.
- o) Future development in the Derby area would be adversely affected by noise.
- p) The incidence of shooting near Hill Cottage (see point f) of the planning consultant's latest comments above) is noted by the occupants who are concerned that this will be used to discredit their objections.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Leisure Policies 1 & 4.

Local Plan: Recreation and Tourism Policy 1.

Emerging Local Plan: Policy LRT3 and ENV15.

Planning Considerations

The main issues central to the determination of this application are:

- The principle.
- Noise.
- Highway safety.

Planning Assessment

Whilst objectors debate whether the shooting ground would be permitted on the basis of today's policies and guidelines, the ground is established and therefore the locational policies of the development plan are not directly relevant to this proposal. However the adopted and emerging local plans contains a qualitative criterion based on the potential for disturbance to local amenity caused by noise. For the reason set out below the proposal offends this part of the development plan.

The issue of noise has been extensively examined by consultants employed by the applicant and the Environmental Health Manager. Based on the considerations of the latter the proposal is likely to cause unacceptable disturbance to local residents, on the day when they have the highest expectation for quiet enjoyment. The Environmental Health Manager's comments have been based on officers' assessments of objective data in conjunction with empirical observation and experience of the site.

On the advice of the Highway Authority there would be no adverse impact on safety

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

Recommendation

REFUSE permission for the following reason:

1. Because of the site's position relative to residential property around it, noise generated by Sunday shooting would lead to unacceptable disturbance to the occupiers of residential property and also to those involved in passive countryside recreational activities. As such the proposal is also in conflict with Recreation and Tourism Policy 1 of the adopted South Derbyshire Local Plan and Environment Policy 15 of the emerging South Derbyshire Local Plan.