

The Leek and District Shooting Centre
Thorncliffe Lane
Blackshaw Moor
Leek
Staffordshire
ST13 8TP

Mrs Jane Curley (Senior Planning Officer),
The Planning Department,
Staffordshire Moorlands District Council,
Moorlands House,
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Leek,
Staffordshire
ST13 6HQ

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URGENT

By email only to: jane.curley@staffsmoorlands.gov.uk & planning@staffsmoorlands.gov.uk

Dear Mrs Curley

Re: Planning Application Reference Number SMD/2021/0664

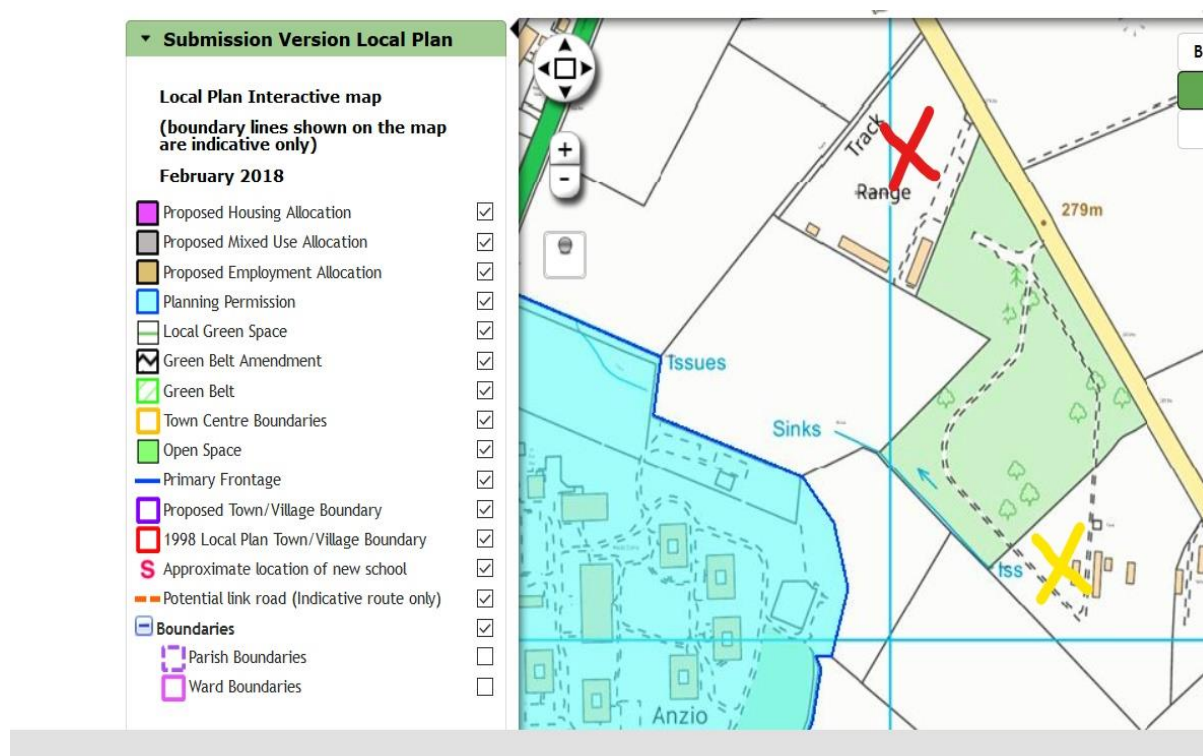
1. Introduction

- 1.1 I write on behalf of The Leek and District Shooting Centre of Thorncliffe Lane, Blackshaw Moor, Leek, Staffordshire ST13 8TP (“the Shooting Centre”) in respect of the above-mentioned planning application which has been submitted by Leek Cohousing Limited for the conversion of three existing local heritage buildings to form a single dwelling house on land at Thorncliffe Lane, Blackshaw Moor, Leek which forms part of the of the former British Army training centre known as ‘Anzio Camp’, Thorncliffe Lane, Blackshaw Moor, Leek, Staffordshire ST13 8TN (“the Application Site”).
- 1.2 As you are aware:
 - (a) the Shooting Centre was established in 1969 and has now been shooting at its Thorncliffe Lane site for over fifty (50) years; and
 - (b) a Certificate of Lawfulness, issued on 1st August 2007 under reference 07/00265/CL-EXG, confirmed the lawfulness of both the Shooting Centre’s facilities and activities.
- 1.3 With approximately 260 members, the Shooting Centre participates very successfully in most national UK target shooting competitions – and boasts international competitors amongst its ranks.
- 1.4 In addition to a clubhouse, the facilities include five shooting ranges, being:
 - (a) a 25 yards indoor range;
 - (b) a 100 yards indoor tunnel range;
 - (c) a 50 metres outdoor range; and
 - (d) two 100 yards outdoor ranges.

- 1.5 It is important to note that:
- (a) the Shooting Centre is a rifle shooting club and not a clay pigeon shooting club; and
 - (b) having both indoor and outdoor ranges, it is possible for shooting activities to take place 24 hours a day 7 days a week, albeit that after 10.00pm firing is (voluntarily) restricted to the indoor firing ranges.

2. **Proximity of the Shooting Centre to the Site**

- 2.1 The close proximity of the Shooting Centre (the location of which is shown marked by a large red cross) to the Application Site (the location of which is shown marked by a large yellow cross) can clearly be seen on the plan below.



3. **Proposal**

- 3.1 The Club considers the proposal now being put forward is simply a 'pared-down' version of the proposal previously submitted in 2018 under Planning Application Reference Number SMD/2018/0775, which was first refused by the Council and then again by a Planning Inspector in a decision dated 15th December 2020.
- 3.2 Most importantly, the current proposal does not address the fundamental issues relating to the previous refusal which included the requirement to comply with policies SS1, SS2, SS10, SD2, SD3, H1, DC1, DC2, DC3 & T1 of the Staffordshire Moorlands Local Plan 2020 which was adopted by the Council on 9th September 2020.

4. **Concerns**

- 4.1 While the Shooting Centre has no objection in principle to the redevelopment of any part of the Anzio Camp it is, of course, essential that any 'new' use of the Application Site takes into account the existing and long-established uses of adjacent and neighbouring land.

- 4.2 Accordingly, the Shooting Centre is very concerned by any development which is proposed in the immediate vicinity of its shooting ranges which may (either in the short or longer term) have the effect of adversely impacting on its sporting activities.
- 4.3 The Shooting Centre is acutely aware of the fact that:
- (a) future occupants of the proposed dwelling shall undoubtedly expect a reasonable degree of peaceful enjoyment of their home, when both inside and outside in their garden, and may consider any noise emanating from the Shooting Centre to be an unwelcome nuisance; and
 - (b) the Environmental Protection Act 1990 allows local authorities and property owners/occupiers to take action to abate and/or prevent the recurrence of noise that amounts to a statutory nuisance.
- 4.4 The Shooting Centre is aware of:
- (a) Policy SS1 (Development Principles) of the Staffordshire Moorlands Local Plan 2020 includes the requirement to deliver (inter alia) a *healthy, safe, attractive, active, well-designed and well-maintained environment*; and
 - (b) the ‘agent of change’ principle which was incorporated in the National Planning Policy Framework (“the NPPF”) which was first published on 27th March 2012 (and updated on 24th July 2018, 19th February 2019 and 20th July 2021) and sets out the Government’s planning policies for England and how these are expected to be applied.
- 4.5 Case law has highlighted the need for authorities to have regard to national planning policy and Planning Practice Guidance (“PPG”) when making planning decisions. It also emphasises the importance of preventing situations arising as a result of introducing noise-sensitive developments, and of prohibitive restrictions being placed on existing noise-generating premises.
- 4.6 Cemex (UK Operations) Ltd v Richmondshire District & Anor [2018] EWHC 3526 (Admin) was the first case to consider the agent of change principle. Cemex operated a limestone quarry and asphalt road stone coating plant. The local council had granted retrospective planning permission to regularise the change of use of a barn 60 metres from the site to a residential dwelling.
- 4.7 Paragraph 123 of the 2012 NPPF provided that that planning policies and decisions should aim to:
- avoid noise from giving rise to **significant adverse impacts** on health and quality of life as a result of a new development;
 - recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

“**Significant observed adverse effect level**” was defined in the PPG on noise as ‘...the level of noise exposure above which significant adverse effects on health and quality-of-life occur’. The PPG on noise also states that above the significant observed adverse effect level, ‘noise causes a material change in behaviour such as keeping windows closed for most of the time’ and that ‘the planning process should be used to avoid this

effect occurring, by use of appropriate mitigation such as by altering the design and layout' of a proposed development.

- 4.8 During determination of the planning application, a noise assessment was undertaken which showed that the levels of noise far exceeded the threshold for the significant observed adverse effect level. The council granted planning permission and relied on a condition requiring the removal or blocking up of trickle vents in certain bedroom windows in the property to ensure a satisfactory noise environment. The 'informative' on the planning permission stated that: *'By using a combination of glazing and ventilation to the property, guideline internal noise levels in accordance with BS 8233:2014 "Guidance on sound insulation and noise reduction from buildings" [could] be achieved with windows closed...'*
- 4.9 The Court held that the authority had failed to have regard to the PPG and failed to secure all the mitigation measures recommended in the noise assessment. Further, the authority's environmental health officer (and, through her, the district council) had failed to consider the likelihood of restrictive conditions being placed on Cemex's operations as part of a future review of minerals permission. Planning permission for the barn was quashed.
- 4.10 In R (oao Ornuu Ingredients Ltd) v. Herefordshire Council [2018], Ornuu (which was the operator of an industrial cheese factory) successfully argued that the council had failed to take into account material considerations when granting planning permission for a housing development. These considerations included a report by acoustic engineers. The report indicated that it might not be possible to produce a scheme for mitigating noise emitted by the factory to acceptable levels at houses built in the proposed layout.
- 4.11 This case, itself, did not reference planning policy, but illustrates the importance of designing new developments in a way that minimises noise complaints that could lead to prohibitive restrictions being placed on existing operators.
- 4.12 Paragraph 123 of the 2012 NPPF has essentially evolved to encapsulate the agent of change principle now set out in the revised NPPF. Paragraph 182 states that:
- 'Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.'*
- 4.13 This means that planning authorities have to take into account the use of an area before a new development is introduced, and any adverse effects that existing developments may have on the new development. The 'agent of change' will then have to take action - sometimes in collaboration with the existing development - to reduce any potential adverse effects that the new development may suffer. These mitigation measures may form part of the conditions of granting planning permission for the new development.

4.14 However, the current planning application appears to make:

- (a) **no reference** to the Application Site's close proximity to the Shooting Centre;
- (b) **no reference** to any environmental noise survey and noise impact assessment having been carried out; and
- (c) **no reference** to any proposed noise mitigation measures to be carried out on the Application Site.

5. Conclusion

In conclusion, and on behalf of the Shooting Centre, I hereby wish to formally object to Planning Application Reference Number SMD/2021/0664 for the reasons outlined above.

Yours sincerely

Keith Rhodes
Membership Secretary