

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 21 February 2017

Report of

Assistant Director,
Regeneration & Planning

Contact Officer:

Andy Higham
Sharon Davidson
Mr Sean Newton

Ward:

Chase

Ref: 16/05126/FUL

Category: Full Application

LOCATION: The Red House, Rectory Farm Land, The Ridgeway, EN2 8AA

PROPOSAL: Change of shooting days to include Thursdays and Fridays, 09:00 to 16:00.

Applicant Name & Address:

Mr G Halls
C/o Agent

Agent Name & Address:

Mrs Lucie Stone
45 Grosvenor Road
St Albans
AL1 3AW
United Kingdom

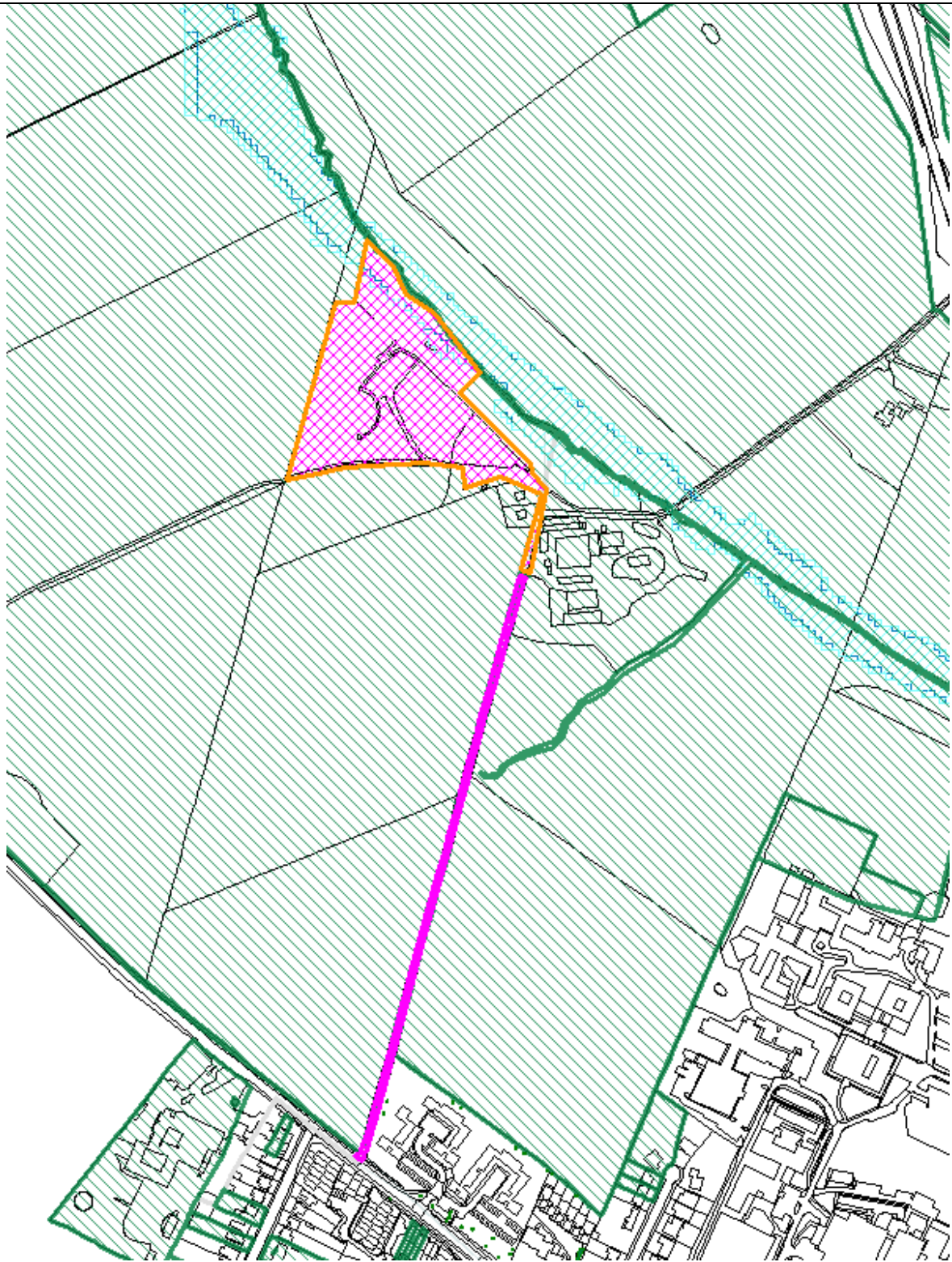
RECOMMENDATION:

That a planning permission is **GRANTED** subject to conditions.

Note for Members:

This application is brought to Planning Committee for decision as it has been "called in" by Councillor Vicki Pite.

Ref: 16/05126/FUL LOCATION: The Red House, Rectory Farm Land, The Ridgeway, EN2 8AA



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Scale 1:1250

North



Site and Surroundings

- 1.1. Former farmland currently being used as a clay pigeon shooting ground. The site is near to 1 & 2 Rectory Farm Cottages and is bounded by Turkey Brook to the north.
- 1.2. The site is accessed via a private access road on the northern side of The Ridgeway, located approximately 100m east of the Royal Chase Hotel. The access road also serves 1 & 2 Rectory Farm Cottages, a scaffolding business, and a furniture storage business located in barns within the main complex of farm buildings. The access road also serves as a bridleway and was also designated as a cycle route by the Council in 2014. It is also part of the London Loop.
- 1.3. The site is within the Metropolitan Green Belt and the Turkey Brook Valley Area of Special Character.

2. Amplification of Proposal

- 2.1. Permission is sought for the change of shooting days to include Thursdays and Fridays, 09:00 to 16:00, although shooting would not begin until 10am. At the moment, the approved days of operation are Wednesday, Sundays and Bank Holiday Mondays.
- 2.2. It is proposed to restrict the additional shooting days to corporate events (entertainment / team building) only and will not be open to the public on these days.

3. Relevant Planning Decisions

- 3.1. In October 1991, outline permission (ref: TP/91/0956) was granted for field sports and farm visitors centre involving construction of fish ponds, clay pigeon shooting, visitors centre building, barbecue area, dog training facilities and a car park. Condition 11 of the permission restricted the hours of operation to between 10.00 a.m. and 4.00 p.m. on Sundays and Wednesdays and at no other time without the approval in writing of the Local Planning Authority.
- 3.2. An application (ref: TP/91/0956/VAR1) to vary condition 11, to permit an additional day of operation during which shooting shall take place to include Saturdays between 10.00 am and 4.00 pm was refused in November 2007.
- 3.3. Planning permission was granted in 1992 (TP/92/0971) for a revised application for field sports and farm visitors centre (involving construction of fish ponds, clay pigeon shooting, visitors centre building, barbecue areas, dog training facilities and car park). Similar to the 1991 permission, a restriction was again placed on the days and hours of use.
- 3.4. In 2005, an application (ref: LDC/04/0544) for a certificate of lawful development (existing use) was made on the basis that the clay pigeon shooting had been operating beyond the constraints of the condition. It was subsequently determined that on the basis of the information provided, there had been a continual use as a clay pigeon shooting ground on Sundays, Wednesdays, Bank Holiday Mondays and Boxing Days for 10 years prior to the date of the application.

4. Consultations

- 4.1. **Statutory and non-statutory consultees**

Environmental Health

- 4.1.1. Following the receipt of information confirming the maximum number of shooters and the period of time shooting takes place, no objections are raised.

Traffic & Transportation

- 4.1.2. It has been advised that there are no objections.

4.2. **Public response**

- 4.2.1. Letters were sent to 88 adjoining and nearby residents. Two letters have been received raising some or all of the following points:

- Since permission was granted, it has been impossible to sit and enjoy garden (34 Roundhedge Way).
- For the majority of the week, will have to listen to the constant popping noise created by the shooters.
- The enjoyment of a few should not be at the expense of the many who reside in the neighbourhood.
- Increase in noise and disturbance

- 4.3. Ward Councillor Vicki Pite objects to the proposal for the following reasons:

- Impact on neighbours in Rectory Cottages
- Access via a bridleway that is also a cycling route, one of Enfield's Greenways and part of London Loop, hence used by riders, cyclists and walkers and not constructed for heavy traffic.
- To extend the use of the bridleway I feel is a risk to other users of the bridleways all of whom are vulnerable in the face of traffic - cyclists, children learning to ride horses, walkers. Further, the surface of the bridle way is already damaged (I believe some repair was done in order to include it in London Loop) and by my estimation, inappropriate for heavy or frequent vehicular use, especially vans and lorries.
- On the day I visited I had to wait both driving in and driving out for vehicles to pass. On leaving the farm I had to back up about 25 yards for a large van approaching to access the farm. On arriving at the farm I waited for a police car to come along the bridleway from the farm and cottages towards The Ridgeway.
- Failure to properly address the pre app advice which was that no objections raised subject to the provision of an acoustic assessment. An acoustic assessment is submitted as required. However, close reading indicates to me that it was not written with this application in mind and the data used has been over interpreted in favour of the applicant and is out of date
- Insufficient regard to the grounds of a previous, unsuccessful, but almost identical application. It does not explain why what was unacceptable then is acceptable now
- I could find no explanation as to why this new application for twice the number of shooting days should be any less of a detriment to the amenity of the neighbours than the earlier one for only one extra day.
- Planning consent has been granted regarding the use of the outbuildings (one for scaffolding, two for furniture storage) conditional on limiting the number of vehicles using the road. There is evidence that already these conditions are being breached.

5. Relevant Policy

5.1. The London Plan

Policy 4.5	London's visitor infrastructure
Policy 4.6	Support for and enhancement of arts, culture, sport and entertainment
Policy 6.3	Assessing the effects of development on transport capacity
Policy 6.9	Cycling
Policy 6.12	Road network capacity
Policy 6.13	Parking
Policy 7.8	Heritage assets and archaeology
Policy 7.15	Reducing noise and enhancing soundscapes
Policy 7.16	Green Belt
Policy 7.19	Biodiversity and access to nature

5.2. Core Strategy

CP11:	Recreation, Leisure, Culture and Arts
CP24:	The road network
CP25:	Pedestrians and cyclists
CP26:	Public transport
CP28:	Managing flood risk through development
CP30:	Maintaining and improving the quality of the built and open environment
CP31:	Built and landscape heritage
CP32:	Pollution
CP36:	Biodiversity
CP46:	Infrastructure contributions

5.3. Development Management Document

DMD44	Preserving and Enhancing Heritage Assets
DMD45	Parking Standards
DMD47	New Roads, Access and Servicing
DMD48	Transport Assessments
DMD49	Sustainable Design and Construction Statements
DMD50	Environmental Assessment Methods
DMD68	Noise
DMD69	Light Pollution
DMD70	Water Quality
DMD78	Nature Conservation
DMD79	Ecological Enhancements
DMD81	Landscaping
DMD82	Protecting the Green Belt
DMD84	Areas of Special Character

5.4. Other Relevant Policy Considerations

National Planning Policy Framework
National Planning Practice Guidance
Enfield Characterisation Study (2011)
Community Infrastructure Levy Regulations 2010

6. Analysis

6.1. Principle

6.1.1. Whilst the use is considered acceptable having regard to the existing use of the site for clay pigeon shooting, the main consideration is the impact of noise and disturbance on neighbouring residential occupiers from the proposed two additional days.

6.2. **Green Belt Considerations**

6.2.1. The NPPF confirms that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence (para.79). Policy 7.16 of the London Plan (“Green Belt”) confirms that strongest protection should be given to London’s Green Belt, in accordance with national guidance. Inappropriate development should be refused, except in very special circumstances. Development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt as set out in national guidance. Policy DMD82 of the Development Management Document (“Protecting the Green Belt”) confirms that inappropriate development will be refused, and the criteria upon which appropriate development will be acceptable.

6.2.2. Being an open-air recreational facility, the development is considered appropriate in Green Belt terms and would not conflict with any of the purposes of including land within the Green Belt (para.80 NPPF). Moreover, given that the development proposal is for the extension of the operating days, with no additional built development required, the proposal will have no greater harm on the openness of the Green Belt. The development proposal is considered to have sufficient regard to Policy 7.16 of the London Plan, Core Policy 33 of the Core Strategy, DMD82 of the Development Management Document, and with guidance contained in the NPPF (in particular, section 9).

6.2.3. The site falls within the Turkey Brook Area of Special Character. A key issue identified within the “Enfield Characterisation Study” is strong rural character close to the urban edge, with attractive and well maintained, high quality landscapes (p159). The development proposal relates to an extension of the operating hours, therefore, with no further built development necessary, it would continue to preserve and enhance the existing strong rural character and high quality landscape of this area of special character, having regard to Core Policies 31 & 33 of the Core Strategy, and DMD 84 of the Development Management Framework.

6.3. **The Rural Economy**

6.3.1. The NPPF (para. 28) advises local authorities that local plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, and support sustainable tourism and leisure developments. London Plan Policy 4.5 (“London’s visitor infrastructure”) confirms that the Mayor will support London’s visitor economy and stimulate its growth, taking into account the needs of business as well as leisure visitors and seeking to improve the range and quality of provision especially in outer London. Policy 4.6 (“Support for and enhancement of arts, culture, sport and entertainment”) advises local authorities to seek to enhance the economic contribution and community role of arts, cultural, professional sporting and entertainment facilities and Policy 7.16 supports development in the Green Belt providing that it is appropriate and secures the objectives of improving it.

6.3.2. The development is for the expansion of an existing rural-based recreational business to include additional days of use to accommodate corporate clients. This is

considered to be consistent with Policies 4.5, 4.6 & 7.16 of the London Plan, Core Policy 11 of the Core Strategy, DMD82, and guidance contained in the National Planning Policy Framework (in particular section 3).

6.4. Impact on Neighbouring Properties

Noise

- 6.4.1. The main consideration is the impact of noise on the neighbouring occupiers. Paragraph 123 of the NPPF considers noise impacts of development. It confirms that 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 new development;
 - mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
 - 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; and
 - identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
- 6.4.2. The nearest dwellings to the site are Nos.1 and 2 Rectory Farm Cottages, sited approximately 168 and 154m distant respectively. It is acknowledged that a previous application (ref: TP/91/0956/VAR1) to extend the hours of operation to include Saturdays (10am to 4pm) was refused due to concerns over the impact on the amenity of these neighbouring residential occupiers. However, being a Saturday would have meant that residents would not have had any respite at the weekends because shooting was already taking place on Sundays. The current proposal would extend the hours of operation but this would only be during the working week, when it is not unreasonable to expect a greater level of activity.
- 6.4.3. The applicant has confirmed that there will be an average of 15 participants, and no more than 20 shooting at any one time. Although guests will arrive at 9:30am, shooting will not start before 10:00, finishing promptly at 16:00, if not sooner. It has been advised that it would be very rare that shooting would take place over the full day. Typically, the sessions are split into a morning or afternoon, with a session typically comprising around 1 - 1.5 hours of shooting.
- 6.4.4. An acoustic report has been submitted in support of the application, which concludes that average noise levels throughout a shooting event are currently less than 3dBA above the prevailing ambient noise level in the vicinity, correlating to only a 'slight' impact. The sound of gunshot is a random/ intermittent noise, which may be heard above any background noise. Background noise in this location is likely to be dominated to a degree by traffic noise (The Ridgeway) but is also likely to include the general comings and goings associated with the adjacent farm, together with people and horses using the adjoining footpath and bridleway.
- 6.4.5. Potentially, with four Bank Holiday Mondays each year, there could be 4 weeks whereby shooting activity could take place on five days of the week, dropping to four days maximum for the remaining weeks. This is a maximum because the use is dependent on securing corporate bookings, and being an outdoor activity, is

seasonal. As advised above, the additional days are for corporate guests only and the applicant is willing to accept a condition to restrict the use.

- 6.4.6. Given the nature of the use, in terms of the hours of operation during the working week and the length of time for each shooting session, it is considered that on balance, the development should not unduly impact on the amenity of the neighbouring occupiers. However, to provide some comfort to the LPA and residents of this, it is recommended that a temporary 1 year permission should be granted to enable some monitoring of the activity. Should no noise nuisance arise in that time, then the LPA could consider granting a permanent permission in that context if a new application was submitted.
- 6.4.7. Having regard to the above, it is considered that the development will not unduly impact on the existing amenity of neighbouring occupiers with regard to noise and disturbance. The development is considered to comply with Policy 7.15 of the London Plan, Core Policy 32, Policy DMD68 of the Development Management Plan.

Lighting

- 6.4.8. No additional lighting is required for the development.

6.5. Traffic and Highway Considerations

Access / Traffic Generation / Parking / Servicing

- 6.5.1. The access road also serves as a bridleway and a recognised cycle route, in addition to serving a working farm and two additional businesses. The access road is approximately 580m long, is straight, and affords good visibility along its entire length. Multiple users along the access road will therefore be aware of each other, therefore the safety of users should not be compromised. Moreover, the level of traffic associated with the additional days of use would not be excessive, particularly as those additional days are for corporate events only, with guests expected to mainly arrive by mini-van. For the reasons discussed above, it is not expected that the additional two days would generate a level of traffic which would lead to safety concerns on the bridleway, having regard to Core Policies 24 & 25, and DMD47 of the Development Management Document.
- 6.5.2. Servicing and parking requirements will not differ from existing arrangements, which is considered acceptable having regard to Core Policy 24, and DMD47 of the Development Management Document.
- 6.5.3. Having regard to the above, it is considered that the development provides acceptable parking and servicing facilities having regard to Policy 6.13 of the London Plan and Policy DMD45 & 47 of the Development Management Document.

6.6. Sustainable Design & Construction

- 6.6.1. No additional infrastructure or facilities are required for the development.

Community Infrastructure Levy

- 6.6.2. The proposed development is not CIL liable as it relates to additional days of use as opposed to additional built development.

7. Conclusions

- 7.1. Taking all material planning considerations into account, it is considered that the development should be approved for the following reasons:
1. Having regard to the existing use of the site, the proposed development is considered to be an appropriate form of development in the Green Belt and one which will continue to maintain the open character of the Green Belt while continuing to preserve and enhance the Turkey Brook Area of Special Character, having regard to Policy 7.16 of the London Plan, Core Policies 31 & 33 of the Core Strategy and DMD82 & 84 of the Development Management Document, and guidance contained in the National Planning Policy Framework (in particular section 9).
 2. The proposed development, to include shooting activities on Thursdays and Fridays for corporate clients only, is considered to be an appropriate and sustainable form of rural development that would continue to enhance the existing business and support rural tourism and leisure. The development is considered to have appropriate regard to Policies 4.6 of the London Plan, Core Policy 11 of the Core Strategy, DMD82, and guidance contained in the National Planning Policy Framework (in particular section 3).
 3. The proposed development, to include shooting activities on Thursdays and Fridays for corporate clients only, should not unduly impact on the existing amenities of adjoining occupiers in terms of noise and disturbance, having regard to Policy 7.15 of The London Plan, Core Policy 32 of the Core Strategy, Policy DMD68 of the Development Management Document and with guidance contained in the National Planning Policy Framework (in particular section 11)
 4. The development makes appropriate provision for access, parking and servicing and will not lead to conditions detrimental to highway safety having regard to Policy 6.3 of The London Plan, Core Policies 24 & 25 of the Core Strategy, DMD45 & 47 of the Development Management Document.

8. Recommendation

- 8.1. That a planning permission is granted subject to the following conditions:

1. Approved Plans
2. Limited Period Permission
This permission is granted for a limited period expiring on 24 February 2018 when the use hereby permitted shall be discontinued and/or the buildings hereby permitted removed and the land reinstated, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the monitoring of noise in the interest of safeguarding residential amenity.

3. Hours of Use
The hours of operation during which shooting shall take place shall only be between 10:00am and 4:00pm on Wednesdays to Fridays, Sundays and Bank Holiday Mondays and at no other time whatsoever unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring residential occupiers.

4. Restriction of Use

The site shall not be open to members of the public on Thursdays and Fridays without the prior written approval of the Local Planning Authority but shall be restricted solely to corporate events

Reason: Having regard to the intended use as proposed by the applicant.

5. The clay pigeon shoot shall be confined to area approved under planning reference TP/91/0956, with shooting only taking place from the existing stalls and clays launched only from the existing traps as approved under the aforementioned planning permission.

Reason: (i) to ensure the satisfactory appearance of the development within its landscape setting in an Area of Special Character; (ii) to ensure that the development does not injure the amenity of the countryside through unnecessary damage to vegetation or the accumulation of debris, rubbish or polluting matter; (iii) to safeguard the amenities of residential properties neighbouring Rectory Farm and users of the surrounding area.

6. That only cartridges that are subsonic and that contain fibre wadding shall be used in the shooting activities.

Reason: to ensure that the minimum disturbance is caused to residential occupiers and users of the surrounding area and to reduce the accumulation of debris.

