

**Parish:** Hadleigh

**Location:** Benton End Farm, Benton End, Benton Street

**Proposal:** Change of use of agricultural land for the use of paintballing

**Applicant:** Mr John Wright

**Case Officer:** Ben Elvin

**Date for Determination:** 20.05.09

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**This application is referred to the Committee as an objection which has been received from Hadleigh Town Council.**

#### **THE SITE**

1. The site forms a parcel of land accessed off Benton Street and which accommodates a number of farm buildings and the associated dwelling. The land partly consists of a small woodland and abuts a public footpath
2. It falls within a designated Special Landscape Area and hosts a riding centre on the adjacent land (within the site) which is also run by the applicant's family.

#### **THE PROPOSAL**

3. The application provides for the continued use of land for paint balling purposes, which has operated at the site on various occasions over the last few years.

#### **RELEVANT HISTORY**

4. B/95/00809 (1995) – Continued use of land and buildings as riding centre and the renovation and rebuilding of redundant building to form a manage – Granted.

#### **NATIONAL GUIDANCE**

5. **PPS1** – Delivering Sustainable Development
6. **PPS7** – Sustainable Development in Rural Areas.

#### **PLANNING POLICIES**

7. The Development Plan comprises the East of England Plan, adopted 2008, saved policies in the Suffolk Structure Plan, adopted 2001, and the Babergh Local Plan (Alteration No. 2) adopted 2006. The following policies are relevant to this proposal:

##### **East of England Plan - 2008**

- **SS1** (Achieving Sustainable Development)

##### **Babergh Local Plan (Alteration No.2) 2006**

- **CR01** (Countryside)
- **CR04** (Special Landscape Areas)
- **EN25** (Noise Generating Developments)

**The relevant documents can be viewed via the internet. Please see Page 4 for details.**

## **CONSULTATIONS**

8. PC – Object:
  - Overbearing/nature of proposal
  - Inappropriate Development
  - Noise and Disturbance from the Scheme
  - Traffic Generation
  - Loss of Trees and Ecological Habitat
  - Concern over the area shown on the plans being incorrect.
9. LHA – to be reported.
10. Natural England – no comments.
11. SWT – Site lies adjacent the Hadleigh Railway Walk County Wildlife Site and Local Nature Reserve. Should permission be granted a significant buffer zone should be incorporated to ensure that paintballing activities, including stray projectiles and noise, do not intrude into the projected area.
12. SCC Archaeological Service - no objection.
13. HoNABE – Environmental Health –
  - We were advised that the site has been used commercially for this purpose for approximately 3 years. I re-confirm that at no time has environmental health received any complaints regarding paintballing on this land.
  - The demonstration indicated that use of paintball guns is inaudible at the nearest residential properties, and would not give rise to any loss of residential amenity. The remaining noise concerns therefore relate to participants shouting and noise from vehicle movements.
  - From discussions with the applicant, I consider that adequate controls are in place to minimise and prevent shouting. All shooting is supervised by staff in the firing area at the ratio of one member of staff to ten customers. The maximum number of customers is limited to 65 on any occasion. In view of the distance to residential properties I consider that any loss of residential amenity due to customers shouting is likely to be minimal. Extreme shouting or swearing by participants is prohibited by staff.
  - Car parking is now being established in the centre of the site and I consider that loss of residential amenity from car arrivals/departures and parking will be minimal.
  - The applicant is a member of the UK Paintball Sport Federation (UKPSF) and all members are required to follow strict guidelines in respect of the management of paintball shooting.

Having regard to the above comments, I recommend that the following conditions should be attached to any permission :-

- a) The maximum number of participants on any occasion shall be limited to 65 persons. The numbers of participants attending the venue shall be recorded and the records shall be available for inspection at all times by officers of the Council.
- b) The hours of operation of the site shall be restricted to 8.30am- 6.00pm on any day of the year.

## **REPRESENTATIONS**

14. Four letters of objection have been received which make the following comments;

- Noise from shouting and guns being fired at the same time.
- Numerous noisy businesses in the area are running the character of the area.
- This would render houses in the area unsaleable.
- Intensification of vehicles using Hook Lane.
- Impact on the railway walk.
- Impact on wildlife.
- The incorrect certificate has been completed on the application.

## **PLANNING CONSIDERATIONS**

15. The use is one that is fairly unique in terms of the issues that it raises and needs to be considered on its merits. The use requires people to travel to the site in order to carry out the activities offered, and therefore whilst it needs to be in a countryside location to provide the necessary space for the activities, it also needs to be well related to existing settlements to reduce the need to travel outside of the built-up areas. In this respect, the site is well related to Hadleigh, with reasonable links to the A12 and A14 beyond.
16. The land used for the paintballing activities consists of 2 main areas, the wooded area immediately to the rear of the eastern most building on the site, and part of the open paddock area beyond. The land benefits from a steep incline upto the paddock area, so that the activities carried on in the wooded area are largely encompassed by the embankments. The aforementioned building is used for the registration area and the preparation of participants and is strictly controlled in terms of signage and marshalling when participants are on-site.
17. The applicant has added a number of army aeroplanes and helicopters which sit on the paddock area. These are used to form the basis for some of the paintballing games carried out on the site. Whilst these are visible from the railway walk, views are contained some distance away and are largely screened by the mature tree boundary that lines the paddock boundary. The owner is aware of the footpath and has looked to use only the western most part of the paddock at this time to ensure good separation from the path itself.
18. Local residents have made representations regarding the noise and vehicle movements associated with the use. It is clear that the operations will give rise to some noise, as the activities are set out to be carried out in the open air and for a number of people to participate in at any given time. However, the owner is associated to the UK Paintball Sport Federation (UKPSF) and members are required to follow the strict guidelines that this brings with it. This includes ensuring a marshalling ration of 1 marshall to every 10 participants and the owner has also chosen to restrict bookings of parties of people to a maximum of 65 people in total. Many of these people travel in groups, so that vehicle movements are not so sufficient that would warrant refusal. There is sufficient area for parking adjacent to the buildings and away from the residential properties.

19. Following receipt of the representations, and at the request of the Ward Member, the Case Officer and the Council's Environmental Health Officer visited the site to meet with the operator of the paintballing business. A demonstration of both of the guns that are used at the site was given so that an assessment of the noise generated by the firing of the guns could be undertaken from various positions around the site. The operator arranged for a number of guns to be fired at once, including firing at differing items such as trees and metal barrels. It was apparent that due to the land levels and the noise from traffic using Benton Street that the gun fire was virtually inaudible at a point taken adjacent to the nearest residential property, and that the noise was not such that would constitute a nuisance. The comments of the Environmental Health Officer can be found at paragraph 12 above.
20. The activities have been carried out in varying parts of the site to varying degrees of intensity for a period of years. The Council has no record of complaints made in respect of noise associated with this use over this time.
21. Policy EN25 provides that planning permission will not be granted for noise generating developments which would cause a significant adverse impact on noise sensitive development, taking into account existing ambient noise levels for the area. The Council's Environmental Health Officer does not consider that the numbers of vehicles using the site, and the noise levels that result from the activities, are such that would cause a significant impact. The operator is aware of the issues and manages the activities as far as is practicable to minimise any impact that arises, through the provision of marshalling to the agreed levels, clear guidance and advice to marshalls and participants about their expected behaviour and limited the number of participants per party as required by the membership of the federation.
22. The site accommodates a number of local community users, including local high schools, the police force, local youngsters, Ambulance Crew, other local councils, local businesses and the RAF amongst others. The site is clearly well used in this respect and receives good local support. An inventory is kept of all groups that use the site, as well as a photographic record of the groups in order that numbers of users (per group and in total) can be recorded and checked.
23. Consultations have been carried out with Suffolk Wildlife Trust and Natural England to look to establish whether the use would conflict with the adjoining County Wildlife Site and Local Nature Reserve. Suffolk Wildlife Trust have asked if a buffer zone could be incorporated to ensure that stray projectiles and noise do not affect these areas. They have not given a guide as to what a suitable buffer is, though it is noted that the paraphernalia referred to in paragraph 16 above is sited some distance from the boundary of the paddock and that there is a significant screen of trees between the paddock and the footpath. It is considered that there is sufficient separation and screening on the site to ensure that these matters do not affect the wildlife areas identified. The operator is aware of the need to ensure that the activities do not affect these areas, and is managing the site so as to ensure that the existing areas used do not conflict with these aims. A site management scheme and the formation of the buffer zone could be required by condition to ensure that these matters are controlled.
24. The riding centre which is accommodated on the site is within the same family ownership. The horses are contained within separate paddocks and do not conflict with the areas used for paintballing. The paintball areas are clearly defined and marshalled, and there is no apparent conflict between the two uses that causes concern. The paint pellets themselves begin to breakdown within a matter of hours and disintegrate completely within days. They would not cause harm to the horses if consumed and there have been no identified issues with participants causing harm to or scaring the horses.

25. Policies CR01 and CR04 look to ensure that the countryside is protected for its own sake and that the character of the Special Landscape Area is not eroded. The containment of the use within the areas identified and currently used (as proposed by the requirement for a site management plan and buffer zone) would ensure that no further erosion of the landscape character would arise. The existing impact is not considered to be such that causes particular harm or injury to the landscape character due to the existing land levels and the screening that exists. The proposal does not therefore conflict with the aims of these policies.
26. In conclusion, this operation is one that raises a number of issues that require a balanced consideration on the basis of the merits of the individual characteristics of the use. The use needs to be in an area where a significant amount of outside space is available, and it is considered that the proposal is located in an area where it gives access to a number of users (including local community facilities) and does not give rise to such detriment to amenity of local residents so as to warrant refusal. The landscape impact of the use and the resultant impact on wildlife habitats is not such that would cause significant injury or harm to these matters.

### **REASONS FOR APPROVAL**

27. The proposed use is considered to be in accordance with the provisions of policies CR01, CR04 and EN25 of the Babergh Local Plan Alteration No.2 (2006) in that the location of the operation is well related to Hadleigh and does not give rise to a detrimental impact on the amenity of local residents or the Special Landscape Area that would warrant refusal of the application. The proposal does not give rise to a severe detrimental impact on the character of the locality nor to the designated County Wildlife Site and Local Nature Reserve.

### **RECOMMENDATION**

- (1) Grant planning permission, subject to the following conditions;
- Scheme of management for the site
  - No more than 65 people per party, and these details to be recorded and made available on request.
  - Hours of operation as per EHO's recommendation.
  - Details of parking areas.
  - Buffer Zone to Railway Walk.