
**Variation of condition 5 of planning permission 2009/0624/07
in order to allow for amended operating times**

**Report Item No
A4**

Newbridge High School Forest Road Coalville Leicestershire

**Application Reference
14/00311/VCI**

**Applicant:
Mr Maxine Adams**

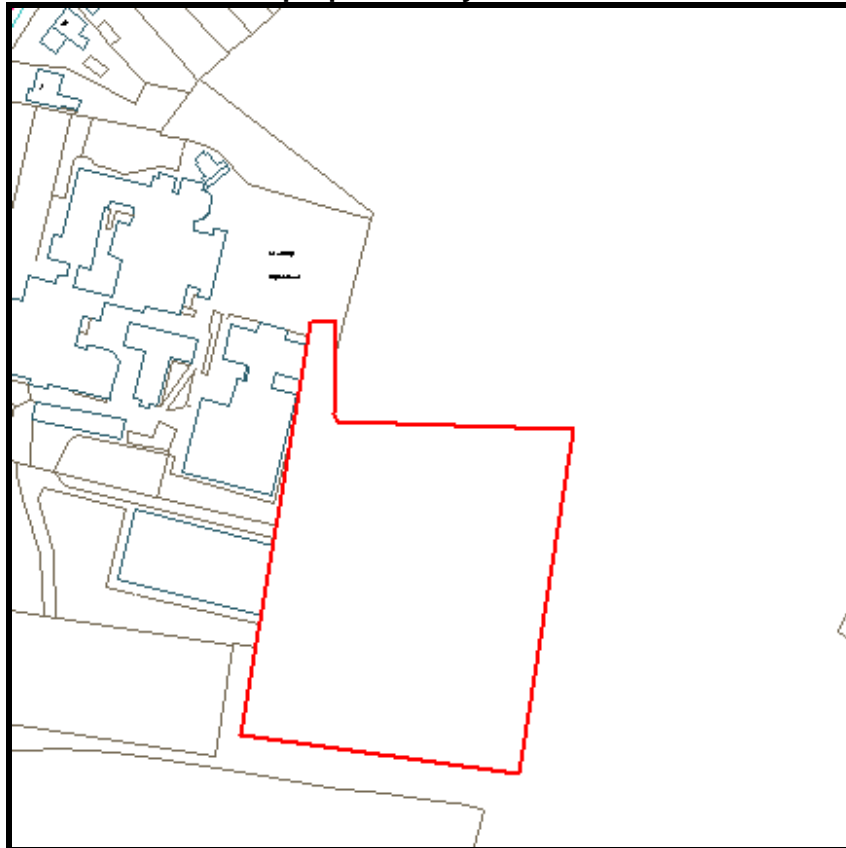
**Date Registered
4 April 2014**

**Case Officer:
James Mattley**

**Target Decision Date
30 May 2014**

**Recommendation:
Permit Subject to Section 106**

Site Location - Plan for indicative purposes only



Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office©copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence LA 100019329)

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

Call In

The application is to be determined by the Planning Committee as it has been called in by Councillor Johnson.

Proposal

Planning permission is sought for the variation of condition 5 of planning permission 2009/0624/07 in order to allow for amended operating times in association with the sports hall. It was originally intended that the sports hall be available to be used everyday between the hours of 08:00 to 22:00 and so that it could be used by other groups (not just Newbridge High School). However, the following operating hours are now proposed:

Sports hall:

8.00am to 9.00pm Monday to Friday

8.00am to 7.00pm Saturdays

9.00am to 4.00pm Sundays & Bank Holiday (unchanged)

With the exception of one day in the year during Monday to Friday in July when the sports hall will be open for Presentation Evening.

Changing rooms and office building area:

8.00am to 10.00pm

The existing planning permission only allows the sports hall to open until 20:00.

Consultations

Members will see from the report below that seven letters of representation have been received from members of the public.

Planning Policy

The development is considered to comply with the relevant policies of the North West Leicestershire Local Plan as well as guidance contained within the National Planning Policy Framework.

Conclusion

The report below indicates that the scheme is considered to be acceptable in principle. The proposal would not adversely affect the character and appearance of the surrounding area, be significantly detrimental to highway safety or impact upon the amenities of nearby residents. On this basis it would accord with the development plan and all other material considerations. It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to conditions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommended conditions, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

In September 2009 Leicestershire County Council granted planning permission for a new sports hall and fitness suite with ancillary changing and storage facilities at Newbridge High School. Condition 5 of that planning permission states:

The use of the sports hall shall only take place during the following hours:

- i. Mondays and Fridays 08:00 to 20:00;*
- ii Saturdays 09:00 to 18:00;*
- iii Sundays, Public and Bank Holidays 09:00 to 16:00.*

The use of the sports hall shall be limited to purposes associated with Newbridge High School only, e.g. staff and competition with other visiting schools, until 17:00 hours on any school day. All lights within the sports hall shall be turned off no later than 30 minutes after the approved hours of use on any day, and at any other time that the sports hall is in use.

The application originally proposed that the sports hall be available to be used everyday between the hours of 08:00 to 22:00 and so that it could be used by other groups (not just Newbridge High School). However, the following operating hours are now proposed:

Sports hall:

8.00am to 9.00pm Monday to Friday

8.00am to 7.00pm Saturdays

9.00am to 4.00pm Sundays & Bank Holiday (unchanged)

With the exception of one day in the year during Monday to Friday in July when the sports hall will be open for Presentation Evening.

Changing rooms and office building area:

8.00am to 10.00pm

The planning application now falls to be determined by North West Leicestershire District Council and not Leicestershire County Council as Newbridge High School has academy status.

The planning history of the site is as follows: -

- 76/0506/C - Chemical store and preparation room in single storey extension to school - Approved 13th May 1979;
- 79/0715/C - The standing of temporary Elliots single mobile classroom - Approved 9th August 1979;
- 80/0213/C - Standing of temporary mobile double and single classrooms - Approved 10th April 1980;
- 82/0887/C - Retention of temporary mobile double and single classrooms - Approved 19th December 1982;
- 84/0223/C - Standing of five no. temporary mobile double classrooms and one no. single mobile classroom - Approved 19th April 1984;
- 84/0510/C - Retention of temporary mobile double and single classrooms without toilets - Approved 1st August 1984;
- 86/0305/C - Retention of temporary mobile double and single classrooms - Approved 2nd May 1986;

PLANNING APPLICATIONS- SECTION A

- 87/0034/C - Retention of temporary mobile double and single classrooms - Approved 17th March 1987;
- 87/0176/C - Retention of four temporary mobile double classrooms and one mobile single classroom - Approved 21st May 1987;
- 89/0583/C - Retention of temporary mobile double and single classrooms - Approved 12th May 1989;
- 98/00674/COM - Erection of 2.4 metre and 3.0 metre high security fence and gates (Leicestershire County Council Regulation 3 Application) - Approved 17th September 1998;
- 04/00018/COM - Installation of solar thermal collector panels (Leicestershire County Council Regulation 3 Application) - No Objection 26th January 2004;
- 04/00868/COM - Insertion of replacement roofing (Leicestershire County Council Regulation 3 Application) - No Objection 11th June 2004;
- 04/01330/COM - Replacement multi-use games area with 3 metre high fencing and construction of new path (Leicestershire County Council Regulation 3 Application) - No Objection 6th September 2004;
- 09/00624/COM - Proposed new sports hall and changing rooms (Leicestershire County Council Regulation 3 Application) - No Objection 17th July 2009;
- 10/00199/COM - Application for non-material amendment to planning application 2009/0624/07 which permitted a new sports hall and changing rooms (Leicestershire County Council Regulation 3 Application Identity Number 2010/L207/07) - No Objection 26th March 2010;
- 12/00628/FUL - Creation of additional 33 no. parking spaces - Withdrawn 24th September 2012;
- 12/01059/FUL - The installation of a new artificial grass sports pitch with associated perimeter fencing and floodlights as well as the formation of car parking area and pedestrian access paths with associated lighting - Permitted 18 February 2013.

2. Publicity

Neighbours have been notified (Date of last notification 24 June 2014)

Site Notice displayed 10 April 2014

3. Consultations

Hugglescote & Donington Le Heath consulted 9 April 2014

County Planning Authority consulted 9 April 2014

Head of Environmental Protection consulted 9 April 2014

County Highway Authority consulted 9 April 2014

Hugglescote And Donington Le Heath Parish Council consulted 21 May 2014

4. Summary of Representations Received

North West Leicestershire Environmental Protection Officer has no objections to the proposal.

Leicestershire County Council Planning Authority has no objections to the proposal but it is noted that there have been issues of noise from the sports hall impacting upon local residents, particularly from users of the facility leaving doors and windows open whilst it is in use. Therefore, should the LPA be minded to grant planning permission it may wish to consider

imposing further controls on the facility requiring external doors/windows to be kept closed at all times the facility is in use, save, of course, for emergency situations.

Leicestershire County Highway Authority has provided standing advice for car parking and cycle parking to be considered.

A total of six representations have been received objecting to the application on the following grounds:

- _ further noise disturbance during the evenings;
- _ there are other sports halls in the locality which could be used;
- _ noise would effect rear gardens and reduce quality of life;
- _ there have already been breaches of the planning conditions;
- _ residents in the area should not be exposed to noise generated from users from outside of the area;
- _ the current hours are perfectly clear and there should be no restrictions;
- _ residents were promised supervision but this is non-existent;
- _ the school have listed the benefits of extending the opening hours but what about the benefits to the local community_;
- _ already anti-social behaviour in the area;
- _ the site is a school not a leisure centre;
- _ proposal would reduce the use of council leisure services;
- _ the school have broken previous promises.

One letter of support has been received.

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development. It states that local planning authorities should:

- approve development proposals that accord with statutory plans without delay; and
- grant permission where the plan is absent, silent or where relevant policies are out of date unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

The NPPF (Para 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Paragraph 73 outlines that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments

should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required;

Paragraph 74 outlines that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss;

Paragraph 123 indicates 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 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 cause 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 prized for their recreational and amenity value for this reason.

The following policies of the North West Leicestershire Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

North West Leicestershire Local Plan

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings.

6. Assessment

Principle

The principle of the development has already been established by the previous planning permission 2009/0624/07 which was granted on 24.09.2009. There have been some changes to local plan policies and national policies between the previous approval and the present date. However, these alterations would not significantly alter the conclusions reached in the previous application. As such it is considered appropriate to consider the amended scheme in the context of the changes between the two schemes.

Condition 5 of the original approval stated that:

The use of the sports hall shall only take place during the following hours:

- i. Mondays and Fridays 08:00 to 20:00;*
- ii Saturdays 09:00 to 18:00;*
- iii Sundays, Public and Bank Holidays 09:00 to 16:00.*

The use of the sports hall shall be limited to purposes associated with Newbridge High School only, e.g. staff and competition with other visiting schools, until 17:00 hours on any school day. All lights within the sports hall shall be turned off no later than 30 minutes after the approved hours of use on any day, and at any other time that the sports hall is in use.

The school are now applying to vary this condition so as to allow the sports hall and changing rooms/office building area to be used for extended periods and to remove the restriction so that it could be used by other groups and not solely restricted to Newbridge High School users. It is considered that the main issue with the determination of this application is the impact that this would have on surrounding residential amenity.

Residential Amenity

A number of objections have been received from surrounding neighbours relating to concerns of noise and disturbance from the sports hall, users of the site and the adjacent car park. The residents of properties that are most affected are 106 - 114 (even numbers only) along Forest Road. There is a distance of around 45 metres between the sports hall building and the boundary with the rear gardens of these properties although the car park for the sports hall is located in closer proximity.

The Council's Environmental Protection team has been consulted on the application given the letters of representation that have been received in respect of noise and the following response has been received:

I confirm that Environmental Protection have no objections to the granting of the above planning permission, based on all the information provided and the times that have been supplied in the e-mail below. I also believe that the only potential issue with the sports hall being open for a longer period of time would be that of potential extra traffic movements. However I would see this as negligible and any issues arising could be effectively dealt with through appropriate management.

As regards to extra noise from the sports hall itself, this should not be a problem as the hall is correctly sound proofed and the 3G pitch to the rear is already open during these new proposed times and any noise associated with activity on site will be limited to the 3G pitch. Furthermore I confirm that noise monitoring over a 2 week period of the site has been undertaken from a neighbouring property along Forest Road and whilst the school is audible it is not causing a statutory nuisance. The monitoring was undertaken after a complaint was made about noise from the new 3G pitch and I confirm that this complaint is now closed with no action to be taken. This is to date the only complaint that has been received.

Having regard to the above comments I would like to see a condition attached to the sports hall which prevents any windows or doors being opened during the use of the facility.

When having regard to the existing operating times of the open air 3G pitch, which are between 08:00 and 22:00, and taking into account the comments of the Council's Environmental Protection team, it is not considered that any significant additional noise and disturbance would arise to surrounding occupiers. The condition recommended by the Council's Environmental Protection team can be included should planning permission be granted but would not be able to be applied to the hours that have already been consented by planning permission 2009/0624/07. Therefore, the scheme is considered to comply with Policy E3 of the Local Plan.

Other

It is necessary to re-attach all the relevant planning conditions from the previous planning permission on the site although some conditions are no longer relevant given that the building has been constructed.

Conclusion

Subject to suitable conditions the proposal would not adversely affect the character and appearance of the surrounding area, be significantly detrimental to highway safety or impact upon the amenities of nearby residents. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the development plan and all other material considerations. It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions;

- 1 Unless otherwise required by the conditions attached to this permission, no development shall be carried out other than in strict accordance with the details set out in the submitted application, supporting statement and plans submitted under planning application reference 2009/0624/07 as amended by the details contained within planning application reference 14/00311/VCI.

Reason - To ensure the permission is implemented in all respects in accordance with the submitted details and the use of the development remains compatible with existing development in the locality (Policy E4 of the North West Leicestershire Local Plan).

- 2 Notwithstanding Condition 1 above, the building hereby approved shall be constructed strictly in accordance with the details set out on drawing no. GA1602 - 01 Revision D dated March 2009 and revised Design and Access Statement Revision A dated August 2009.

Reason - To ensure the permission is implemented in all respects in accordance with the submitted details and the use of the development remains compatible with existing development in the locality (Policy E4 of the North West Leicestershire Local Plan).

- 3 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order) the premises shall be used only for the purposes specified in this application and for no other purposes whatsoever.

Reason - Other uses may be harmful to the amenities of the area.

- 4 The use of the sports hall shall only take place during the following hours:

Sports Hall request:
8.00am to 9.00pm Monday to Friday
8.00am to 7.00pm Saturdays
9.00am to 4.00pm Sundays & Bank Holiday

PLANNING APPLICATIONS- SECTION A

The use of the changing rooms and office building area:
8.00am to 10.00pm

All lights within the sports hall shall be turned off no later than 30 minutes after the approved hours of use on any day, and at any other time that the sports hall is in use.

Reason - To safeguard the amenities of nearby residents and reduce the impact on local amenity (Policy E3 of the North West Leicestershire Local Plan).

- 5 Unless otherwise agreed in writing, all deliveries and movement of materials and machinery to and from the site in connection with the development hereby approved shall only take place between the hours of 09:00-15:00 and 16:00-17:30 Mondays to Fridays during term time and 08:00-13:00 Saturdays. No such activities shall take place on Sundays, Public or Bank Holidays.

Reason - To safeguard the amenities of nearby residents and reduce the impact on local amenity (Policy E3 of the North West Leicestershire Local Plan).

- 6 There shall be no playing of any amplified music within the sports hall.

Reason - To safeguard the amenities of nearby residents and reduce the impact on local amenity (Policy E3 of the North West Leicestershire Local Plan).

- 7 Details of the siting, design, luminance and direction of light distribution and the shielding of all means of external lighting shall be submitted to and approved in writing by the Local Planning Authority before any such provision is made on the site.

Reason - To safeguard the amenities of nearby residents and reduce the impact on local amenity (Policy E3 of the North West Leicestershire Local Plan).

- 8 Details of the siting and design of all means of CCTV equipment shall be submitted to and approved in writing by the Local Planning Authority before any such provision is made on the site.

Reason - To safeguard the amenities of nearby residents and reduce the impact on local amenity (Policy E3 of the North West Leicestershire Local Plan).

- 9 None of the existing trees on site shall be lopped, topped, felled or uprooted.

Reason - To ensure proper steps are taken to safeguard existing vegetation.

- 10 Notwithstanding Condition 5 above, the use of the sports hall may be used for alternative times in association with the schools presentation evening one day in the year during Monday to Friday in July but only when the alternative times have first been submitted to and agreed in writing by the Local Planning Authority.

Reason - To safeguard the amenities of nearby residents and reduce the impact on local amenity (Policy E3 of the North West Leicestershire Local Plan).

- 11 External doors and windows shall be kept closed during the following times (unless in the case of an emergency):

PLANNING APPLICATIONS- SECTION A

8.00pm to 9.00pm Monday to Friday
8.00am to 9.00am and 6.00pm to 7.00pm Saturdays

Reason - To safeguard the amenities of nearby residents and reduce the impact on local amenity (Policy E3 of the North West Leicestershire Local Plan).

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).