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Variation of condition 4 attached to planning permission  
ref:00/00403/PC to extend the hours of opening beyond 23:30  
to 01:00 for 12 occasions a year.

Report Item No  
A4

Ashby Rugby Football Club Nottingham Road Ashby De La  
Zouch Leicestershire LE65 1DQ

Application Reference  
15/00466/VCI

Applicant:  
Ashby Rugby Football Club

Date Registered  
16 April 2015

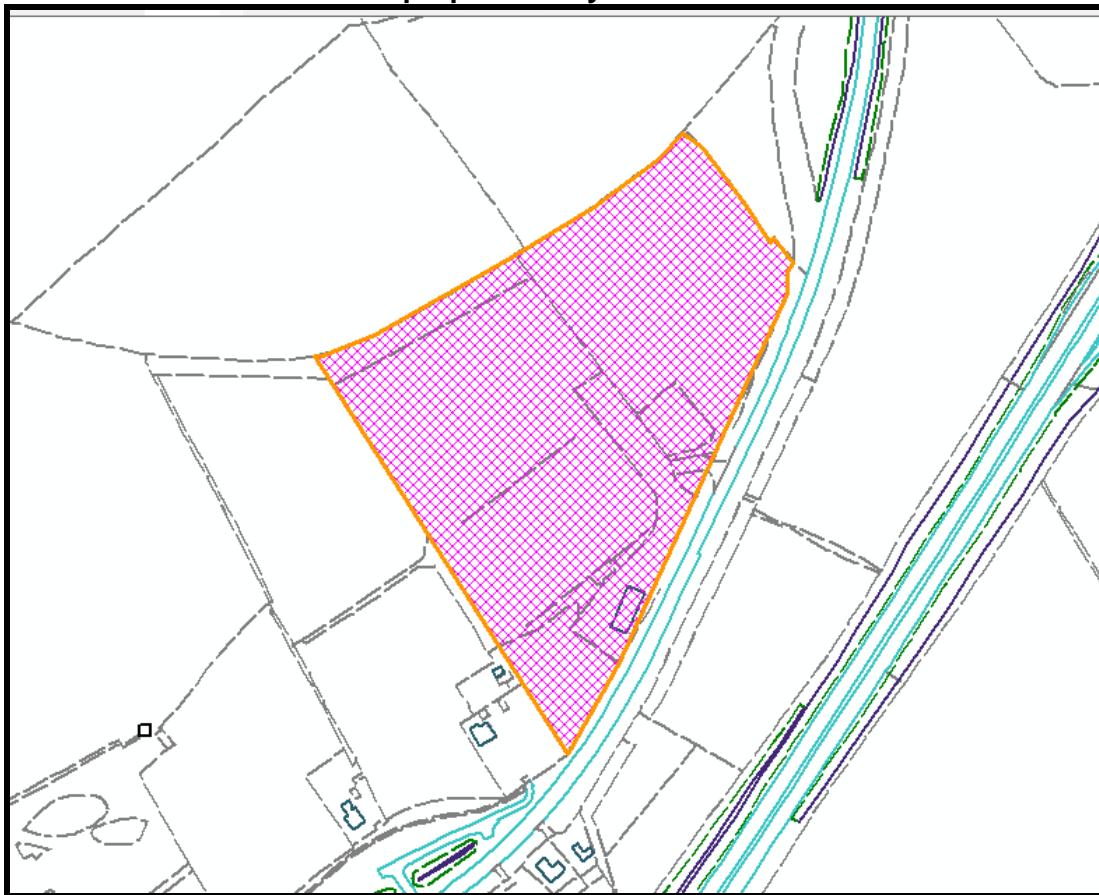
Case Officer:  
Ebony Mattley

Target Decision Date  
11 June 2015

Recommendation:  
PERMIT

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**Site Location - Plan for indicative purposes only**



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## **Executive Summary of Proposals and Recommendation**

### **Call In**

The application falls to be determined by the Planning Committee as the agent is related to Cllr Richard Blunt.

### **Proposal**

This application proposes to vary condition 4 attached to planning permission 00/00403/PC, which states that the clubhouse shall not be used for any purposes after 11.30pm. This application seeks to extend the clubhouse opening hours to 1.00am on 12 occasions throughout the year.

### **Consultations**

Members will see from the report below that one objection and twenty-five letters of support have been received from neighbours. There have been no objections from statutory consultees, including Ashby Town Council.

### **Planning Policy**

Whilst the application sites lies outside limits to development, the existing recreational/sports use is already established on the site, and the clubhouse has been constructed. Saved Policies L3 and E3 of the Local Plan and paragraphs 109,120 and 123 of the NPPF are of relevance.

### **Conclusion**

The principle of this development has already been established through the earlier grant of planning permission (ref: 00/0403/PC). The main issue in the determination of the application is, therefore, whether the revised hours of use would impact upon surrounding residential amenity.

The scheme has been considered by the Council's Environmental Protection Section who raise no objections and given that the scheme does not result in a permanent extension of opening hours - as it relates to an additional 1 and a half hours on 12 occasions a year, it is therefore considered that the scheme would not therefore result in a permanent source of significant noise to the detriment of residential amenity.

### **RECOMMENDATION:- PERMIT SUBJECT TO THE IMPOSITION OF 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 and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**

## MAIN REPORT

### 1. Proposals and Background

This is an application to vary condition 4 attached to planning permission 00/00403/PC.

The previous application (ref: 00/00403/PC) sought permission for the erection of a replacement clubhouse and received consent on 20 September 2000.

This application proposes to vary condition 4, which states that the clubhouse shall not be used for any purposes after 11.30pm, by seeking to extend the clubhouse opening hours to 1.00am for twelve occasions throughout a year.

The application has been accompanied with a supporting statement which states that the change in opening hours will be used for social and fund raising events, which in turn directly support the facilities and the service that the rugby club provides for the local community.

#### Relevant Planning History:-

00/00403/PC - Erection of a replacement clubhouse - Approved - 20 September 2000

### 2. Publicity

3 no neighbours have been notified.(Date of last notification 13 May 2015)

Site Notice displayed 15 May 2015

### 3. Consultations

Ashby De La Zouch Town Council consulted

LCC County Highways

NWLDC Planning Enforcement

NWLDC Head Of Environmental Protection

### 4. Summary of Representations Received

The following summary of representations is provided.

#### Statutory Consultees

**Ashby Town Council** raises no objection.

**NWLDC Environmental Protection** has no environmental observations.

#### Third Party Representations:

1 letter of objection has been received raising the following concerns:-

- a) Noise Pollution and Detriment to Amenity
- b) The applicant is in breach of condition 3 and will do so with the extension of hours
- c) Contrary to E3 and Paragraphs 109,120 and 123 of the NPPF.

46 letters of support have been received raising the following comments:-

- a) The club provides a valuable venue and sporting facility to the local community
- b) Will help with fund raising/charitable events
- c) Will contribute to the growth of the club

All responses from statutory consultees and third parties are available for Members to view on the planning file.

## **5. Relevant Planning Policy**

### **National Policies**

#### *National Planning Policy Framework*

The NPPF (Paragraph 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.

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 14 (Presumption in favour of sustainable development)  
Paragraph 109 (Conserving and enhancing the natural environment)  
Paragraph 120 (Conserving and enhancing the natural environment)  
Paragraph 123 (Conserving and enhancing the natural environment)

### **Adopted North West Leicestershire Local Plan (2002)**

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy L3- Built Development of Recreation Sites Outside Limits to Development.

Policy E3 - Residential Amenities

### **Other Guidance**

National Planning Practice Guidance - March 2014.

## **6. Assessment**

### **Principle of Development**

The principle of this development has already been established by the previous planning permission (00/00403/PC), which was granted in September 2000.

Condition 4 attached to planning permission 00/00403/PC states:-

*"The Clubhouse shall not be used for any purposes after 11.30pm.*

*Reason:- To preserve the amenities of the locality."*

It is considered appropriate to consider the amended scheme in the context of the changes between the two schemes which relate to the extension of opening hours from 23:30 to 01:00 for 12 occasions a year. The main issue in the determination of the application is, therefore, whether the revised hours of use would impact upon surrounding residential amenity.

### **Impact upon Residential Amenity**

The nearest residential dwelling is No. 219 Nottingham Road, and an objection has been raised from this property. There is a distance of at least 96 metres between the side wall of No. 219 Nottingham Road and the closest point to the western side elevation of the clubhouse.

It is necessary to consider the additional noise and disturbance that may arise from within the club house and associated comings and goings from vehicular movements and other associated noises, for example the revving of engines and the closing of car doors.

The scheme has been considered by the Council's Environmental Protection Section who raises no objections to this application.

It is considered that as the consent would not result in a permanent extension of opening hours - as it relates to an additional 1 and a half hours, on 12 occasions a year, the scheme would not therefore result in a permanent source of noise, to the detriment of residential amenity, and in the absence of concerns raised by the Council's Environmental Protection Section, it is not considered that a reason for refusal could be sustained in this case.

Overall, it is considered that the development would not have any significant detrimental impact upon neighbouring residential amenities and the proposal is considered to be acceptable in relation to Policy E3 (Residential Amenity) of the Local Plan.

In respect of the alleged breach of the planning condition, this will need to be considered by the Council's Enforcement Team.

### **Conditions**

Application ref: 00/0403/PC was subject to 7 conditions, one of which is for consideration in this application.

Condition 1 - The first condition related to time allowing development to commence within five years.

Condition 2 - This condition related to materials, which has been formally discharged on 20 December 2000 and has been implemented.

Condition 3 - This condition relates to the use of the clubhouse being limited to the use of the sports club only and not to be hired out separately for private functions and is still relevant.

Condition 4 - This condition is hereby varied.

Conditions 5 and 6 - These conditions related to a landscaping scheme, and there is no formal evidence of this being discharged. Given that this related to 15 years ago, it is not considered necessary to re-impose this condition.

Condition 7 - This condition related to visibility splays and ensuring that there is no obstruction/anything to grow above 0.6 metre within the splays. In respect of the latter part of the condition, it is still considered relevant and necessary and therefore will be carried forward.

## **Conclusion**

In conclusion, the principle of this development has already been established through the earlier grant of planning permission (ref: 00/0403/PC).

The scheme relates to an existing recreational/sports use on the site, and clubhouse has already been consented. This scheme will effectively enhance the existing facilities by increasing the opening hours of the clubhouse for social events.

The scheme has been considered by the Council's Environmental Protection Section who raise no objections and given that the scheme does not result in a permanent extension of opening hours - (as it relates to 12 times a year) it is considered that the scheme would not therefore result in a permanent source of significant noise to the detriment of residential amenity.

Overall, it is considered that the development would not have any significant detrimental impact upon neighbouring residential amenities and the proposal is considered to be acceptable in relation to Policy E3 (Residential Amenity) of the Local Plan.

Accordingly it is recommended that planning permission be granted, subject to the imposition of the previous planning conditions, where applicable.

## **RECOMMENDATION, PERMIT, subject to the following condition(s):**

- 1 The use of the clubhouse shall be limited to the use of the sports club only and shall not be used or hired out separately for private functions.

*Reason: To preserve the amenities of the locality.*

- 2 The clubhouse shall not be used for any purposes after 23:30, with the exception of no more than 12 occasions per calendar year whereby the clubhouse shall not be used for any purpose after 01:00.

*Reason: To preserve the amenities of the locality.*

- 3 No splays shall be maintained to 4.5 x 215 metres and there shall be no obstruction to visibility above 600 m in height.

*Reason: In the interests of highway safety.*

## **Notes to applicant**

## PLANNING APPLICATIONS- SECTION A

- 1 Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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).