

Removal of conditions 6 and 11 from planning permission 14/00311/VCI in order to allow the existing sports hall to be able to play amplified music and to allow doors and windows to be opened whilst in use

Report Item No  
A3

Newbridge High School Forest Road Coalville Leicestershire LE67 3SJ

Application Reference  
15/00527/VCI

Applicant:  
Ms Maxine Adams

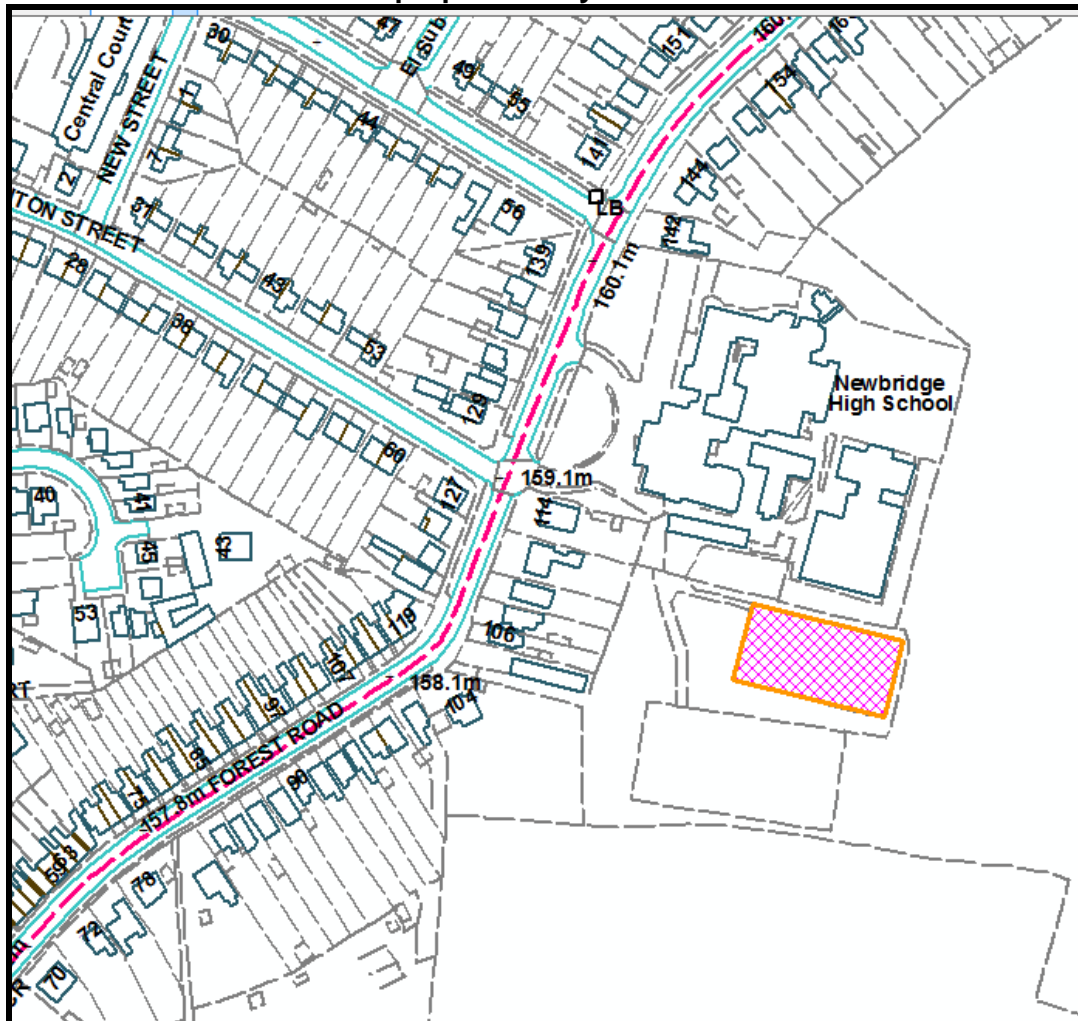
Date Registered  
1 June 2015

Case Officer:  
James Mattley

Target Decision Date  
27 July 2015

Recommendation:  
PERMIT

Site Location - Plan for indicative purposes only



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## **EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL**

### **Proposal**

Planning permission is sought for the removal of conditions 6 and 11 from planning permission 14/00311/VCI in order to allow the existing sports hall at Newbridge High School to be able to play amplified music and to allow doors and windows to be opened whilst in use.

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

### **Consultations**

Members will see from the report below that a significant number of representations have been received in relation to the application. These include letters of support as well as letters of objection.

### **Planning Policy**

The main planning policy issue in respect of the application is Policy E3 of the North West Leicestershire Local Plan as well as paragraph 123 of the National Planning Policy Framework. These policies seek to ensure that development does not result in significant noise disturbance to surrounding residential amenities.

### **Conclusion**

The main issue in respect of the application is whether the removal of the conditions would result in significant noise disturbance to surrounding residential amenities. During the course of the application a noise assessment was submitted which assessed the impact of amplified music being played on nearby residential properties. The assessment concludes, subject to mitigation measures including the use of a noise limiter, that the proposed development would not have a significant adverse impact on health or quality of life. The Council's Environmental Health Department raises no objections to the proposed scheme on the basis of the findings in the report.

On this basis, it is considered that the removal of these conditions 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 under ref: 2009/0624/07 for a new sports hall and fitness suite with ancillary changing and storage facilities at Newbridge High School. In July 2014 North West Leicestershire District Council granted planning permission under ref: 14/00311/VCI to amend the operating hours but all other conditions remained in force. That planning application fell to be determined by North West Leicestershire District Council and not Leicestershire County Council as Newbridge High School had gained academy status. This planning permission included the following conditions:

Condition 6 states:

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.*

Condition 11 states:

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

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.*

Planning permission is now sought for the removal of conditions 6 and 11 from planning permission 14/00311/VCI in order to allow the existing sports hall at Newbridge High School to be able to play amplified music and to allow doors and windows to be opened whilst in use. The school have indicated that the legal meaning of amplified music includes mobile phones and small radios and this is preventing them from delivering the school curriculum.

Relevant Planning History:

- 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;
- 12/01059/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.
- 14/00311/VCI - Variation of condition 5 of planning permission 2009/0624/07 in order to allow for amended operating times - Permitted 15 July 2014;
- 14/00582/FUL - Erection of single storey infill extension - Permitted 20 August 2014.

### 2. Publicity

61 neighbours have been notified (date of last notification 2 June 2015).

Site Notice displayed 5 June 2015

### 3. Consultations

Hugglescote & Donington Le Heath consulted  
Head of Environmental Protection

### 4. Summary of Representations Received

**North West Leicestershire Environmental Protection Officer** has no objections to the proposal on the basis of the mitigation measures contained in the submitted noise assessment.

**Hugglescote and Donington Le Heath Parish Council** object to the application and considers that it should be reconsidered. If planning approval is granted then the removal of these conditions should be restricted to school hours and term time only.

A total of 20 representations have been received objecting to the application on the following grounds:

- would result in noise disturbance and would be detrimental to local amenities;
- music is already frequently played from within the school grounds;
- parking restrictions should be put in place;
- sports hall has functioned successfully for 5 years with these conditions in place so should not be removed;
- existing residents can hear foul and offensive language from the school grounds;
- the school has admitted to breaching the condition regarding amplified music;
- impact on health and quality of life of existing residents;
- sound from the building echoes;
- school already has a music room and a drama suite;
- sports hall should be sound-proofed;
- application is not about providing the school curriculum but about being able to be used by other groups/organisations;
- the objections of local neighbours should carry more weight than those who do not live in the local area.

The following representations have been received in support of the application:

- 5 emails from local clubs/organisations;
- petition containing 458 names received from Newbridge High School (including student signatures);
- 143 standard slips;
- 117 standard slips signed by students.

### 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 and the subsequent planning permission 14/00311/VCI which allowed for amended operating times. It is considered that the main issue with regard to this planning application is whether the removal of these conditions would have an acceptable impact upon 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 should the conditions in respect of amplified music and the non-opening of doors and windows be removed.

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 requested that a noise assessment be carried out which considers the effects of amplified music on neighbouring properties. A noise assessment was carried out by White Young Green (WYG) which has assessed the impact of amplified music upon six nearby residential properties (104, 106, 108, 110, 112 and 114 Forest Road). The assessment from the sports hall has been carried out with windows and doors closed and with windows and doors open. The report concludes that there would be no impact on nearby residential property when windows and doors are closed. However, with windows and doors open the assessment provided indicates that noise breakout would be marginally above the relevant noise intrusion criteria at five of the residential receptors by up to 3 decibels.

In light of this, it would be necessary for mitigation measures to be put in place to ensure that any amplified music does not have a significant adverse impact upon nearby residential occupiers. The assessment provided recommends that a noise limiter be installed in the sports hall that imposes a noise limit and this could form a suitably worded planning condition. A noise limiter works by cutting off the power supply if the sound level exceeds a specified limit. It is also recommended that the positioning of speakers or other musical equipment be taken into account and should be located in the western section of the main hall facing towards the east. The internal layout of portable equipment could not be controlled by a planning condition but it could form a note to the applicant to advise them of good practice.

The Council's Environmental Protection team has reviewed the submitted noise assessment and have no objections to the application subject to the inclusion of the mitigation measures outlined in the assessment (as discussed above). Therefore, the scheme is considered to comply with Policy E3 of the Local Plan and paragraph 123 of the NPPF.

### **Other**

It is necessary to re-attach all the relevant planning conditions from the previous planning permission on the site.

Issues regarding parking restrictions at the school are not relevant to the determination of this application.

### **Conclusion**

The main issue in respect of the application is whether the removal of the conditions would result in significant noise disturbance to surrounding residential amenities. During the course of the application a noise assessment was submitted which assessed the impact of amplified music being played on nearby residential properties. The assessment concludes, subject to

mitigation measures including the use of a noise limiter, that the proposed development would not have a significant adverse impact on health or quality of life.

The Council's Environmental Health Department raises no objections to the proposed scheme on the basis of the findings in the report. On this basis, it is considered that the removal of these conditions would accord with 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 and 15/00527/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

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 unless a noise limiter is fitted with an internal limit of 82db.

*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).*

### **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).
- 2 It is recommended that the positioning of speakers or other musical equipment be taken into account. Speakers should ideally be located in the western section of the main hall



facing towards the east.