

Delegated Report

Planning Ref: 25/00541/FUL

Applicant: Ms Olivia Blyth

Ward: Barlestone, Nailstone & Osbaston

**Site: Barlestone St Giles Sports and Social Club, Barton Road,
Barlestone, Leicestershire, CV13 0EP**



Hinckley & Bosworth
Borough Council

Proposal: Erection of a new dance studio

1. Recommendations

1.1. **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

2. Planning application description

2.1. The proposal seeks planning permission for the erection of a purpose-built dance studio. The building would be located to east side of the existing car park and opposite the existing sports pavilion.

3. Description of the site and surrounding area

3.1. The site comprises the grounds of a sports club, with a car park to the south of the site as you enter and a sports pavilion to the east of the car park. Two pitches in tandem are sited to the north of the site. The site is located to the north of the Barlestone with residential properties located to the south. The site is accessed via Barton Street, which is a narrow single-track road leading into and out of the site.

4. Relevant planning history

No recent relevant history.

5. Publicity

5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.

5.2. One objection received from a local resident:

- Noise and disturbance
- Loss of privacy
- Loss of green space
- Loss of view – not material

6. Consultation

6.1. No objections received from all relevant consultees, subject to conditions:

- LHA
- LCC Ecology
- LCC Minerals & Waste
- HBBC Drainage
- HBBC Pollution
- Sport England – No objections

7. Policy

7.1. Core Strategy (2009)

- Policy 19: Green Space and Play Provision

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM8: Safeguarding Open Space, Sport and Recreational Facilities
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4. Other relevant guidance

- Good Design Guide (2020)
- Barlestone Neighbourhood Plan (2022)
- Sport England's Playing Fields Policy

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Assessment against strategic planning policies

8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in planning decisions.

8.3. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.

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- 8.5. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.
- 8.6. However, Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.7. The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP) Development Plan Document.
- 8.8. Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 34 of the NPPF states that policies in local plans and spatial development strategies should be reviewed at least once every 5 years and should then be updated as necessary.
- 8.9. Nonetheless, in accordance with Paragraph 232 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF.
- 8.10. Policy DM8 of the SADMP seeks to protect open space, sport and recreational facilities from development unless a replacement of an equivalent typology is provided, it is demonstrated that there is a surplus of recreational land, or the development is part of a larger site in recreational use that would result in an enhancement of recreational facilities on the remainder of the site.
- 8.11. The proposal would lead to the minor loss of playing field land within open space allocation BARL05. Sport England have commented on the proposal and raise no objections. Sport England consider that the proposal would meet exception 5 of Sport England's Playing Fields Policy and the requirements of Paragraph 104 of the NPPF (2024) in that the proposed dance studio would be of sufficient benefit to the development of sport as to outweigh the loss of part of the playing field at this site. Officers consider that the proposed building would result in a replacement use of an equivalent typology and note that the proposed building is situated on land which is not currently used for recreational purposes as the two main pitches and sports pavilion are located to the north. The proposal is therefore acceptable in principle and in accordance with Policy DM8 of the SADMP.

Design and impact upon the character of the area

- 8.12. Section 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.

- 8.13. Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.14. Policy DM4 of the SADMP states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. Criterion a) of DM4 states that development in the countryside will be considered sustainable where it is for outdoor sport or recreation purposes (including ancillary buildings) where it is demonstrated that the proposal cannot be provided within or adjacent to settlement boundaries. DM4 also requires that the proposal would not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.15. Policy DM10 of the SADMP seeks to ensure that developments would complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.16. The proposed building comprises a single storey building with a fully hipped roof. The building would be constructed in brick, with roof tiles. The proposed building replicates the overall form, and character of the existing sports pavilion building. The proposed building is ancillary to the existing open space and recreational use and would be seen in the context of the existing pavilion and dwellings to the south, therefore its visual impact on the character of the countryside would not be significantly adverse.
- 8.17. Given the above, it is considered that the proposal would be in keeping with the overall existing character of the site and demonstrate consistency with existing development with regard to scale, layout, design and materials and therefore complies with Policies DM4 and DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.18. Policy DM10 of the SADMP seeks to ensure that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion.
- 8.19. The nearest residential properties to the application site are located to the south, with a separation distance of at least 30m to rear elevation of the closest dwelling. There are tall and mature trees along the common boundary with the application site. It is considered that the proposed building maintains sufficient separation distances to the nearby neighbouring dwellings.
- 8.20. HBBC Environmental Health have suggested that a restrictive hours of use condition would be appropriate to ensure that the amenity of neighbouring dwellings is protected from noise and disturbance as a result of music/general activity from the proposed dance studio. An additional condition is included in the event that justifiable complaints are received regarding the proposal, where a noise limiting device would need to be fitted and monitored. A condition has also been added to ensure that all doors and windows are closed whilst music is playing in the building.

- 8.21. The proposed hours of operation for the development are between 1600-2030 Monday to Sunday, with additional allowances for one to one lessons on weekend mornings. These hours are considered generally consistent with development of this type, noting that facilities of this type need to accommodate reasonable use outside of regular school and working hours.
- 8.22. There does not appear to be any external lighting as part of the proposal, however a condition has been included that ensure that if this is proposed at a later date, full details would be submitted to the LPA prior to first use.
- 8.23. Given the above, it is not considered that the proposal would have a significant adverse effect on the privacy or amenity of neighbouring occupiers and therefore complies with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.24. Policy DM17 of the SADMP sets out that proposals will be supported where they demonstrate that there would not be a significant adverse impact upon highway safety. Policy DM18 of the SADMP requires proposed developments to provide an appropriate level of parking provision.
- 8.25. The key transport consideration is that the application proposes no increase in overall operational capacity or trip generation for the combined site. Therefore, a condition is recommended for staggered start and finish time between the existing pavilion and proposed dance studio of 30 minutes.
- 8.26. The Local Highway Authority's advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe, subject to the abovementioned condition. Therefore, the proposal is regarded as in accordance with Policies DM17 and DM18 of the SADMP and does not conflict with paragraph 116 of the National Planning Policy Framework (2024).

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.

- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. Taking national and local planning policies into account, and regarding all relevant material considerations, as detailed within the preceding report, it is recommended that planning permission be granted.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Planning Layout Drawing – Drg Nos. BR-01, BR-02 & BR-03 – submitted: 03/06/2025

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The materials to be used on the proposed development shall accord with the information submitted within the application documentation.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The facility shall not be used outside of the following hours:

One- to-one lessons:

Monday to Friday: 16:00 to 20:30

Saturday, Sunday and Bank Holidays: 09:00 – 12:00, 16:00 to 20:30

Group lessons only:

Monday to Friday: 16:00 to 20:30

Saturday, Sunday and Bank Holidays: 16:00 to 20:30

Reason: To protect the amenity of the occupiers of nearby residential properties from unsatisfactory noise and disturbance in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Prior to first use of the development hereby permitted, an Operational Management Plan shall be submitted to and approved by the Local Planning Authority. The Operational Management Plan should include details regarding the staggering of start times between the separate uses and activities of the existing pavilion and proposed dance studio, and signage to instruct users to give priority to vehicles entering the site to help facilitate the flow of traffic on Barton Road.

Reason: In order to facilitate the flow of traffic along Barton Road in the interests of general highway safety and in accordance with Policy DM17 of the SADMP (2016) and the National Planning Policy Framework (2024).

6. No external lighting of the site shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment and local residents from nuisance from artificial light in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. In the event that justifiable complaints are received by the Local Planning Authority relating to amplified music or speech, a noise limiting device (NLD) shall be fitted to the building. The NLD shall be set by Hinckley & Bosworth Borough Council, Environmental Health. The device shall be in operation at all times when amplified music is played.

Reason: To protect the amenity of the occupiers of nearby residential properties from unsatisfactory noise and disturbance in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. All doors and windows will be kept shut at all times during the playing of live or recorded music.

Reason: To protect the amenity of the occupiers of nearby residential properties from unsatisfactory noise and disturbance in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.

2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: [Mining Remediation Authority - GOV.UK](https://www.mining-remediation.gov.uk)
Standing Advice valid from 1st January 2025 until 31st December 2026