

**Application Number: 19/10094** Variation / Removal of Condition

**Site:** ALL WEATHER SPORTS PITCH, APPLEMORE COLLEGE,  
ROMAN ROAD, DIBDEN PURLIEU, HYTHE SO45 4RQ

**Development:** Variation of condition 3 of Planning Permission 13/11340 to allow  
use of pitch between 09:00 - 22:00hrs Monday to Friday

**Applicant:** Mr Marsh

**Target Date:** 26/03/2019

**Link to case file** <http://www.newforest.gov.uk/article/13702/How-do-I-view-and-comment-on-a-planning-application-or-appeal>

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## 1 SUMMARY OF THE MAIN ISSUES

- 1.1 The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11 of this report after which a conclusion on the planning balance is reached.
- 1) Impact on the amenity of local residents through noise and light pollution.
  - 2) Compliance with national and local policy on sport and community related developments.
- 1.2 This matter is before Committee because Hythe and Dibden Parish Council object to the proposals.

## 2 THE SITE

- 2.1 The site comprises part of the Applemore College complex located in the north eastern corner of Hythe close to the A326 Hythe by-pass. The complex comprises the main educational campus buildings and the adjoining recreation/leisure centre. At the rear (east) of the main college campus lies a large area of open space which has been formally laid out as an all-weather multi-sports pitch, and an adjoining full size football/rugby grass pitch and running track. The all-weather pitch is laid out to facilitate a range of sports and is aligned on a NW to SE axis. It would be possible to use the pitch by three sets of teams playing at the same time thereby allowing junior or senior use.
- 2.2 The pitches are separated by lines of trees to the north and south east from two nearby housing estates namely Cygnus Gardens to the north and Alder Close/Redwood Close to the south east. The all-weather pitch is surrounded by high metal fencing. The pitch is floodlit by 8 no. 15 metre high metal stanchion flood lights so as to allow evening use throughout the year. The estate to the south east is separated from the all-weather pitch by the intervening grass pitch/running track and a line of trees. The estate to the north is separated from the pitch by a bund and a line of trees. Between the trees and the estate to the north there is a pedestrian footpath. The distance between the edge of the all-weather pitches is approximately 60 metres to Cygnus Gardens and 130 metres to Alder Close. Access to the site is on foot only with non-college users needing to park in the nearby college or leisure centre car parks.

### **3 THE PROPOSED DEVELOPMENT**

- 3.1 This application is made under Section 73 of the Town and Country Planning Act 1990 (as amended) and is to continue the use of the site but to extend the hours of operation as set out in the earlier planning permission 13/11340 granted on 13 March 2014.

Condition 3 of that permission states the following -

No use shall be made of the approved sports pitch nor shall the approved lights be switched on, at any time other than between the hours of 09:00 and 21:00 Mondays to Fridays and 09:00 and 18:00 Saturdays, Sundays and Bank Holidays.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

- 3.2 There were a number of other conditions applied to this development and these included the management of the site so as to minimise noise and disturbance to local residents. The full list of those conditions can be viewed on the planning pages of the Council's web site.
- 3.3 With an application under S73 of the Act any grant of permission will in effect constitute a new planning permission. The LPA can impose different or the same conditions that were applied to the original development if these are still relevant. The original permission will continue in place whatever the outcome of the current application. The applicant has the usual right of appeal in the event of a refusal.
- 3.4 This new application seeks an hour long extension of the use of the all-weather pitches until 10pm on Mondays to Fridays. The restricted hours on weekends and Bank Holidays will still apply. No other physical works or changes to the layout of the site are included in this new application. In support of their application the headmaster of the College has submitted a letter of support and justification for the change which is summarised in Section 11 below. It should be noted that the application seeks the extended period of floodlight use as well.

### **4 PLANNING HISTORY INCLUDING NOTES OF ANY PRE APPLICATION DISCUSSIONS**

- 4.1 17/11516 - Removal of condition 10 (perimeter kick board and fence noise management scheme) from Planning Permission 13/11340 – approved 10/01/18
- 4.2 14/11501 - Variation of Condition 3 of Planning Permission 13/11340 to allow changes to the period of illumination and usage of the pitch – application withdrawn 10/12/14
- 4.3 13/11340 - Construction of a full size synthetic turf pitch; 8 x 15m high floodlights and 2.4 metres high earth bund) – approved 13/03/14.

There are a number of other earlier planning permissions for the Applemore College site but these are not directly relevant. There were no pre application discussions regarding the current application.

### **5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE**

#### **The Core Strategy**

CS1 – Sustainable development principle  
CS2 – Design quality

CS7 – Open space standards, sport & recreation including preservation of green spaces  
CS8 – Community services & infrastructure including retention of existing community infrastructure

## **Local Plan Part 2 Sites and Development Management Development Plan Document**

NPPF1 - presumption in favour of sustainable development

### **The Emerging Local Plan**

The National Planning Policy Framework 2019 states:

Para 47. Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Para 48. Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

### **Advice on Emerging Development Plan Documents**

The Local Plan Review 2016-2036 is in what can be considered an 'advanced stage' in its preparation, in that it has been submitted to the Secretary of State and is under Examination. It is therefore a material consideration which can be given weight in decision-making. The following extracts from the Emerging Local Plan are considered to be material considerations in this case.

#### **Key issue 14**

Suitable provision for sport and leisure to enable active and healthy lifestyles

#### **Strategic Objective 10**

Encourages informal sport and recreation to facilitate a healthy lifestyle.

#### **Policy 1 Sustainable development**

Ensuring development contributes to a diverse and thriving local economy providing services accessible by sustainable transport.

#### **Policy 15 Open spaces sport and recreation (saved policy CS7)**

Repeats the provisions set out in CS7 with factual corrections

## **6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

### **Relevant Legislation**

#### Planning and Compulsory Purchase Act 2004

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise

#### Environmental Protection Act 1990

Sets out Council powers to deal with noise nuisance

For the noise to count as a statutory nuisance it must do one of the following:

- 1) unreasonably and substantially interfere with the use or enjoyment of a home or other premises
- 2) injure health or be likely to injure health

### **Relevant Advice**

#### National Planning Policy Framework 2019

Para 7 - sustainable development

Paras 91-92 - promoting healthy and safe communities.

Para 96 - opportunities for sport

#### Planning Practice Guidance on Noise 2014

Advises LPAs on the determination of applications where noise is an issue. Noise can override other planning concerns, but neither the Noise policy statement for England nor the National Planning Policy Framework (which reflects the Noise policy statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development.

Local planning authorities' decision taking should take account of the acoustic environment and in doing so consider:

- 1) whether or not a significant adverse effect is occurring or likely to occur;
- 2) whether or not an adverse effect is occurring or likely to occur; and
- 3) whether or not a good standard of amenity can be achieved.

#### Noise Policy Statement for England 2010

The Noise Policy Statement for England was published on 15 March 2010. It sets out the long term vision of government noise policy, to promote good health and a good quality of life through the management of noise.

#### Sporting Future: A New Strategy for an Active Nation – December 2015

It is government's ambition that all relevant departments work closer together to create a more physically active nation, where our children and young people enjoy the best sporting opportunities available and people of all ages and backgrounds can enjoy the many benefits that sport and physical activity bring, at every stage in their lives.

## Sport England Advice – Playing Fields Policy and Guidance 2018

Sport England on this occasion are a non-statutory consultee but their response to a planning application affecting sports facilities should be considered material.

- Objective to maximise opportunities for sport and physical activity for all
- To enhance opportunities through better use of existing provision
- To provide new opportunities to meet the needs of current and future generations

## Sport England Artificial Grass Pitch Acoustics – Planning Implications 2015

Gives general advice relating to the provision of artificial pitches in particular in relation to noise levels.

## British Standard (BS) 8233:2014 Guidance on sound insulation and noise reduction for buildings 2014

Provides guidance on desirable noise levels affecting habitable rooms (living, dining and bedrooms).

### **7 Hythe & Dibden Parish Council**

Comment: PAR 4: Recommend REFUSAL. This is due to the noise pollution from the games being played on the pitch, the noise from spectators, and also the light pollution, causing a nuisance to the neighbouring residential properties. It has been evident in the past when the sports games finish at 9pm the packing up lasts until approx 9.30pm and therefore it is anticipated that games finishing at 10pm will complete packing up even later, causing further nuisance to the neighbours

### **8 COUNCILLOR COMMENTS**

None received

### **9 CONSULTEE COMMENTS**

The following comments are set out in full.

#### **9.1 NFDC Environmental Health (Pollution) – (EHO)**

**Comments 07/05/19** - Further to the noise impact assessment recently submitted by the applicant, raises no objection and makes the following comments:

The noise impact assessment has assessed the impact arising from an extension to the hours of use in line with relevant and up to date guidance, including that from Sport England. It outlines that noise from the use of the pitch will be below existing ambient noise levels between 21:00-22:00hrs and significantly below the level specified by the World Health Organisation (WHO) for outside areas during day time and evening periods to avoid moderate annoyance. Additionally, noise levels for internal areas are predicted to be within those also specified by WHO. Overall, the report advises that no adverse noise impact is anticipated from a planning point of view.

In light of the above, I wish to withdraw my earlier objection to this application.

However, I would confirm that whilst the noise impact may be acceptable in planning terms, I remain concerned about the use of the pitches into the late evening period and the potential for causing a statutory noise nuisance. It is important to note that the granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise complaints be received.

**Comments 05/03/19** - A number of representations against this application have been made in respect of the impact from noise and light upon residents living in Alder Close and Cygnus Gardens (which adjoin the school sports field on two sides). This department is also aware of historic complaints in relation to light and noise from the permitted use of the pitch. In the absence of any supporting information accompanying this application in relation to either of these issues, documents submitted with the original application (13/11340) have been reviewed and a visit was made during the evening of 25 February 2019 to obtain an overview of the impact with the pitches in use.

**Noise** - Observations made during a recent visit indicate that noise from shouting was found to be the dominant noise source associated with the use of the pitches. Objectively, persistent shouting from multiple groups of people was clearly audible and individual words discernible at some distance.

Measurements taken from along the boundary of Alder Drive (sic) and the playing fields indicate that noise levels associated with shouting exceeded ambient noise levels by up to 20dB LAFmax and frequently between 10-15dB LAFmax.

Such noise levels indicate that shouting is likely to have an adverse impact on surrounding properties, particularly during the warmer months when residents are wanting to use their gardens or have doors/ windows open for ventilation.

Other noise sources associated with the use of the pitch, such as the use of whistles, the ball being kicked or hitting the fence surrounding the sports pitches, whilst audible, was not felt to be as intrusive.

**Light** - Lighting levels associated with floodlighting on the pitch are already controlled via a condition limiting the level of obtrusive light in accordance with best practice guidance from the Institute of Lighting Professionals (ILP).

Observations made during a recent visit indicate that whilst floodlighting is clearly visible in the distance, obtrusive light levels are minimal and any adverse impact is not anticipated with any extension to the hours of use.

**Summary** - Overall, an initial assessment of use of the pitches indicates that noise is likely to have an adverse impact upon neighbouring properties in the late evening period. Therefore, a detailed assessment and characterisation of the noise impact, along with any necessary mitigation should be undertaken by a competent person (e.g. acoustic consultant) before further consideration can be given to the application.

In the absence of any information relating to the noise impact and until such information is available and acceptable to Environmental Health, I wish to raise an objection to this application.

## 9.2 Sport England

Sport England has consulted the relevant national governing bodies for sport and has received the following comments. The RFU comments that the proposed extension of hours of use will benefit the existing users of the facility, Tottonians RFC (who currently use the pitch on Tuesdays from 7pm-9pm) and the U13-16 players involved in the London Irish Development squad (who currently use the pitch on Thursdays from 6pm-8pm), as well as the wider rugby community.

The proposed extension could provide an opportunity for another local club, Fawley RFC, to hold their club training at the facility. Or Tottonians RFC have their three senior squads along with the U18 squad training on Tuesday evenings. The current restriction on hours of use mean that the squads have to train together which is not ideal. The additional hour provided by the extension would allow for greater flexibility in providing staggered training times for different teams/squads.

The 3G rugby pitch is the only facility of its type in the area and provides an important overflow training facility for local teams and clubs when poor weather prevents use of the grass pitches.

The Football Foundation on behalf of the FA is fully supportive of the proposal. The Football Foundation have funded the facility and it has strong usage by local community clubs, including Hythe and Dibden (30+ teams). The Football Foundation comments that the proposed extension of hours to 10pm will both increase the outcomes of the project, help partner clubs grow and also support the sustainability of the site.

Sport England notes the supportive comments from both the RFU and the Football Foundation, and considers that the proposed extension will provide improved access to the facility and bring benefits to sport in the local area. Sport England is supportive of the proposed variation to the condition.

## **10 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received - they can be read in full via the link set out at the head of this report

### **10.1 3 no. letters of objection received raising the following points**

- General noise and swearing of participants audible at my property is unacceptable
- Extended hours of operation will exacerbate noise and disturbance
- Original intention to erect acoustic sound barriers was never followed through
- Circumstances leading to imposition of condition 3 still pertain
- Pitch was built closer to my boundary than was agreed previously
- Light pollution is an issue as the lights cause excessive amount of light to my bedroom

### **10.2 Letter of support from Rugby Development Officer Hampshire. The extended hour will bring the following benefits -**

- Will increase opportunity for other local clubs which currently are prevented because of over subscription of facility
- A later start will allow more adults to participate – some being prevented at present by work commitments
- No other facility of this kind within the local area and extremely beneficial in adverse wet weather
- Stresses that users will be reminded of their responsibility to be respectful to local residents

### 10.3 Five letters of support from local users who state

- Great facility - additional flexibility will allow more young people to use it
- Will allow greater youth opportunity by shunting some adult groups later.

### 10.4 Letter of support from Hythe and Dibden Youth Football club

- We currently run 32 teams and the extra hour will improve capacity allowing more young people to participate
- Point to benefits of sport in building self-esteem, discipline and avoiding anti-social behaviour
- Will improve opportunities for coaching skills to be enhanced
- Will allow the club to seek higher FA charter status
- We will instil respect for local residents and ensure participants understand their responsibilities

In addition to the above the applicant has also submitted a letter of support which is summarised below.

A re-consultation exercise relating to the additional late information in support together with the acoustic noise survey will be undertaken. Any representations received as a result of the re-consultation exercise will be reported verbally at the Committee meeting

## 11 OFFICER COMMENTS

### Introduction

#### 11.1 The key issues in relation to this proposal are the impact on local residential amenities and the need to balance these against the policies in favour of sport and recreation.

The applicant has submitted a letter of support including a business plan and financial statement. This is summarised below.

- The Applemore Community Pitch has been operated since 2016 and is regarded as one of the best facilities on the Waterside
- The pitch is valued by many local clubs both youth and adult and is in high demand
- Currently oversubscribed and cannot fulfil booking demands
- Strategic Group of funding partners (which includes the District Council) provided the funding for the pitch but this group must ensure there is a sink fund created to pay for ongoing maintenance
- Extra hour is essential to ensure we reach our yearly target of £25k so that the pitch can be replaced every 8-10 years. Ongoing current losses cannot be sustained and must be remedied.
- Budget for the pitch must be kept separate from the school budget
- Football Foundation of Sport England and Armed Forces Covenant require football and rugby development plans to be fulfilled and that the facility is self-financing
- Options have been considered aside from extending the hourly use e.g. increasing cost to participants but there are limits set by the Football Foundation with higher fees only for adult groups not youth groups
- Increased demand from local teams cannot be met at present
- Increased opportunity for training as well as playing actual matches

### Relevant Considerations

#### Neighbour amenities

This falls into two broad categories i.e. noise disturbance and light pollution.



- 11.2 **Noise** – Members are referred to the national policy guidance set out above when dealing with applications that have potential noise implications. The original planning permission for this site to set up the new all-weather pitch was the subject of a significant number of local objections (petition of 39 residents and 14 individual letters) relating in particular to noise and disturbance. To that end the application was considered by the Planning Committee and additional controls were imposed on the original recommendation to permit subject to time limitations. The Committee also imposed other conditions relating to the management of the site and the use of kick boards at the base of the fence for example. The benefits of the proposal were however noted and a reasonable balance was considered to be struck at the time between neighbour amenity and sport facility provision. The planning history above shows that some of these conditional requirements were modified with the agreement of the LPA.
- 11.3 With regard to the current application a wide ranging consultation exercise was carried out with 31 no. local residential properties nearest to the pitch. The resulting response this time has been lower than on the original application but that said the comments still require serious consideration.
- 11.4 Following the original objection of the EHO the applicant provided a professional noise acoustic report. The author of the report carried out a noise assessment using national guidance over the hour of extension, measuring potential noise levels over existing ambient and background noise levels. Noise measurement points were selected following advice from the EHO as to which properties were the most affected (taking his own measurements at the time from both estates referred to). The most affected properties were deemed to be Alder and Redwood Close because of the intervening bund and trees protecting Cygnus Gardens estate.
- 11.5 The BS guidance noted above advises there is no applicable standard for noise from recreational and sporting activities. The LPA must take into account how frequently the noise will be generated, the level of disturbance and balance the enjoyment of the participants against the risk of causing nuisance to other people. It may be reasonable to permit higher noise levels than (for example) from industrial developments, if there are limited hours of use and control of noise emission during anti-social hours.
- 11.6 The conclusions of the noise analysis was:  
*“that noise levels associated with the proposed extension of hours are unlikely to cause unreasonable disturbance to occupiers of the nearest residential properties”.*
- The important thing to bear in mind is the balance exercise referred to above. It is clear that the use of the pitch during the extended hours will be heard by those local residents but this needs to be balanced against the enjoyment of users and also the undoubted health benefits and government policy based on encouraging sport and activity for a healthy lifestyle and maximising potential sport facility use.
- It is also true to say that the planning assessment of noise can be a lower test (i.e. less tolerant of noise) than that employed by the EHO when they consider issues related to a statutory nuisance. This lower test has been considered in this case and the planning judgement when taking other benefits into account is that it would be unreasonable to refuse planning permission.
- 11.7 **Light pollution** – the other factor affecting local amenity is the added impact of having the flood lights turned on for another hour. The use of the lights during the summer period when most people may be in their gardens later will be at a time perhaps when the lights will be less used. Conversely during the winter time when the lights will be used after dark the extra hour up to 10pm is not considered unreasonable. The comments of the EHO are noted and there is no objection put forward on light pollution

grounds. Condition 3 on the original permission requires the lights not to be used after 9pm. A new clause to that condition will therefore need to be imposed if this application is to be approved. Condition 11 of the original permission required the lights to be erected in accordance with the approved plans and maintained in their operation afterwards. This condition is still relevant and should be re-imposed on any new permission with a slight modification to the wording to reflect the works are already in place.

#### National and local sport policy

- 11.8 Para 7 sustainable development – which includes a social objective to support healthy communities with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. An environmental objective also seeks to safeguard against pollution.
- 11.9 Paras 91-92 promoting healthy and safe communities. The NPPF encourages development which enables and support healthy lifestyles through sports facilities, a reduction in crime and disorder, and promoting social interaction.
- 11.10 Para 96 encourages opportunities for sport and access to a high quality network of facilities for sport and physical activity, and an ability to accommodate the needs of a community.
- 11.11 In addition to the support set out in the NPPF Members are also referred to the Sport England advice set out above.
- 11.12 It is clear from the exposition of local and national policy set out above that there is a general consensus that increased sporting activity has many benefits including increased better health and less anti-social behaviour in young people in particular. There is a particular drive from government to see increased levels of sporting activity to combat childhood obesity and other health problems. There is also evidence to show that increased sporting activity has benefits for mental as well as physical health and well being. Government policy is reflected in local policy and in government advice expressed through Sport England. The additional hour in usage also fulfils other key government policy objectives to make full use of existing facilities. There is no doubt that the additional hour in use will help to create more capacity and allow additional users to enjoy the facility. In addition it is clear from the applicant's supporting information that the key requirement for the pitch to be self-financing and sustainable in the long term will be assisted by an additional hours use and the increased user fees that will be generated.

## **12 CONCLUSION ON THE PLANNING BALANCE**

- 12.1 It is clear that the extension of use of the artificial pitch by an extra hour during the week (excluding any Bank Holidays) will have some impact on the amenity of nearby properties on both sides of the pitch. This impact is considered to be at a reasonable level taking into account the planning test related to noise impact. The additional use of the pitch during this hour will have other benefits such as maximising the use of the facility leading to the benefits associated with sport and recreation leading to a healthy lifestyle which are all elements of government policy. The balance on this occasion therefore is in favour of permission. In addition the need to ensure the pitch is self-financing taking into account potential maintenance costs also weighs in favour of a permission. It should be noted as part of this balancing exercise that the statutory power to take action under environmental health legislation relating to statutory nuisance still remains regardless of the grant of planning permission

## 13 OTHER CONSIDERATIONS

### Proactive Working Statement

- 13.1 In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.
- 13.2 In this case all the above apply. The concerns raised by local residents and the Council's EHO have resulted in a further noise assessment carried out by the applicant's agent which concludes that permission would be appropriate on this occasion.

### Crime and Disorder

- 13.3 The additional hour long extended use of the pitch is not considered to raise serious issues and there are sufficient controls which can be exerted by the owner of the facility if such matters are drawn to their attention.

### Local Finance

- 13.4 Local financial considerations are not material to the decision on this application

### Human Rights

- 13.5 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to use the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

### Equality

- 13.6 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:
- 1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - 2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - 3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **14 NOTES FOR INCLUSION ON CERTIFICATE**

- 1 In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.
- 2 In this case all the above apply. The concerns raised by local residents and the Council's EHO have resulted in a further noise assessment carried out by the applicant's agent which concludes that permission would be appropriate on this occasion. The applicant is reminded that regardless of the grant of planning permission there is separate legislation governing statutory noise nuisance. The Council retains the right to take appropriate action at a future date if there is found to be a statutory noise nuisance and it is considered expedient to do so.

## **15 RECOMMENDATION:**

### **GRANT the VARIATION of CONDITION**

#### **Proposed Conditions:**

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No use shall be made of the approved sports pitch nor shall the approved lights be switched on, at any time other than between the hours of 09:00 and 22.00 Mondays to Fridays (excluding any Bank Holidays), and 09.00 and 18.00 on Saturdays, Sundays or Bank Holidays.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

3. The floodlighting installed in accordance with the approved drawing and calculated light spill contours (Synthetic Turf Pitch Landscape Proposals General Arrangement, Drawing Number EO2490-L-211 dated 12/08/2013) shall continue to be operated in accordance with the above drawing/lighting contours.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

#### **For further information**

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**Planning Development  
Control Committee**  
**June 2019**

**Item No: 3c**

Applemore College  
Roman Road  
Dibden Purieu  
19/10094

Scale **1:2500**

N.B. If printing this plan from  
the internet, it will not be to  
scale.

