

<b>APPLICATION NO</b>	<b>PA/2013/0392</b>
<b>APPLICANT</b>	Epworth Baptist Church
<b>DEVELOPMENT</b>	Planning permission for the variation of condition 5 of PA/2006/0363 dated 04/05/2006 to allow a loudspeaker address system to be used in the church
<b>LOCATION</b>	The Baptist Church, Station Road, Epworth
<b>PARISH</b>	<b>EPWORTH</b>
<b>WARD</b>	Axholme Central
<b>CASE OFFICER</b>	Tanya Coggon
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Councillor Redfern – significant public interest) Significant public interest

## **POLICIES**

**National Planning Policy Framework:** Paragraph 70 – ensure that established facilities are able to develop and modernise in a way that is sustainable and retained for the benefit of the community.

**North Lincolnshire Local Plan:** Policy C5 (Churches, Prayer Houses and Other Places of Worship) – extensions to existing places of worship will be permitted providing that there will be no loss of amenity to any residential property in the vicinity.

Policy DS1 (General Requirements) provides general design guidance for all new development.

Policy DS11 (Polluting Activities) will only permit development where it can be demonstrated that levels of polluting emissions will not create adverse environmental conditions likely to affect nearby developments and adjacent areas.

**North Lincolnshire Core Strategy:** Policy CS22 (Community Facilities) – the improvement of existing community facilities which meet the needs of local residents will be supported in principle.

## **CONSULTATIONS**

**Highways:** No comments.

**Environmental Protection:** This type of activity has the potential to cause disturbance in relation to noise when situated close to residential dwellings. It is recommended that the loud speaker address system is operated in accordance with the applicant's noise

management plan contained within the supplementary information, with the exception of the hours of operation which shall be between 9am and 9.30pm.

## **TOWN COUNCIL**

Concerns regarding noise which should not be above reasonable levels and the hours of use should be adhered to in the interests of neighbours and the church.

## **PUBLICITY**

Neighbouring properties have been notified and a site notice posted. Three letters of objection have been received raising the following issues:

- Loud music causes noise disturbance.
- Amplified sound and a loudspeaker address system has been used.
- It is difficult to enforce a condition restricting the use of a loud speaker address system to five hours per week.
- It is difficult to enforce a condition requiring windows and doors to remain closed unless there are extenuating circumstances.
- There would be a loss of residential amenity if windows and doors are allowed to be open when the loud speaker address system is being operated.
- There is no need for a loud speaker address system as the building is small.
- More off-street parking should be provided.
- Other groups use the facility.

## **ASSESSMENT**

This proposal is to vary condition 5 of PA/2006/0363 to allow a loud speaker address system to be used in the church without the requirement of written consent from the local planning authority. PA/2006/0363 permitted a large extension to the original church on the site which has been constructed. At the present time no loud speaker address system can be used in the church. The church is surrounded by residential properties to the south, east and west.

Condition 5 of PA/2006/0363 reads as follows:

‘No form of loudspeaker address system shall be operated within the Baptist Church without the prior written consent of the local planning authority.

Reason: To minimise the impact of the development on adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.’

**The main issue associated with this case is whether the use of a loud speaker system would result in demonstrable loss of amenity to adjoining neighbours.**

The applicant has submitted a supporting statement with the application to justify the need for the loud speaker address system. The loud speaker address system is required to address the congregation and to amplify musical instruments and voices in order for people to hear and participate. The applicant considers that the use of the loud speaker address system would be for five hours per week and would not be used between the hours of 11pm and 7am. The building has double-glazed windows and the extension approved in 2006 (PA/2006/0363) has walls that are of a cavity wall construction. On the west elevation sound insulation boards have been fitted. The applicant intends to close the windows during the use of the loud speaker address system unless there was a large congregation with high temperatures.

There have been complaints from some local residents to the council that a public address system was being used in the building. It is accepted that there is a need for a public address system in the building. It is considered that a planning condition to restrict the use of the loud speaker address system to five hours per week would be difficult to enforce. It is therefore considered that a condition restricting the hours of operation of the public address system to those suggested by Environmental Protection would be more appropriate and enforceable. In order to reduce noise nuisance to neighbours a planning condition can be used to ensure that all windows and external doors are closed when the public address system is in operation. This condition would also be enforceable. It is not accepted that in hot weather with a large congregation the windows would need to be open. If this was the case the loud speaker address system would need to be switched off as opening windows with the loud speaker system in operation will cause noise and disturbance to neighbours. Alternatively, air conditioning could be installed inside the building. The proposal, subject to conditions, accords with paragraph 70 of the National Planning Policy Framework, policy CS22 of the Core Strategy and policies DS1 and DS11 of the North Lincolnshire Local Plan.

The issues relating to the provision of additional off-street parking is not material to this application. The issue raised that other groups are using the church is noted and has been investigated by enforcement. Condition 6 of PA/2003/0363 restricted the use of the building to a church providing community facilities. When enforcement investigated this issue no action was required to be taken. The applicant has also agreed that this condition will be complied with.

The conditions on the original planning permission for the church extension (PA/2006/0363) have/are being complied with and still remain in force. They will not be repeated on this planning permission because the church extension has been constructed in accordance with the approved details. However, the applicant is advised that these conditions will still always need to be complied with, with particular reference to condition 6 of PA/2006/0363.

**RECOMMENDATION      Grant permission subject to the following conditions:**

1.

The loud speaker address system shall only be operated inside the church when all windows and external doors located in the church are closed.

**Reason**

In order to reduce noise and disturbance to neighbours in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

2.

The loud speaker address system shall only be operated between the hours of 9am and 9.30pm on any day.

#### **Reason**

In order to reduce noise and disturbance to neighbours in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

#### **Reasons for approval**

The council, as local planning authority, has had regard to the relevant policies of the development plan as set out below and considers that, subject to compliance with the conditions attached to the permission, the proposed development would be in accordance with the development plan, would not materially harm the character of the area nor the living conditions of neighbouring occupiers, and would be acceptable in all other planning considerations. The council has taken into account all other matters, none of which outweigh the considerations that have led to its decision. The policies taken into consideration in the determination of this application are CS22 of the North Lincolnshire Core Strategy, C5, DS1 and DS11 of the North Lincolnshire Local Plan and paragraph 70 of the National Planning Policy Framework.

#### **Informative**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

