

<b>Item</b>	<b>07/00085/FUL</b>	<b>Refuse Full Planning Permission</b>
<b>Case Officer</b>	<b>Mrs Nicola Hopkins</b>	
<b>Ward</b>	<b>Wheelton And Withnell</b>	
<b>Proposal</b>	<b>Removal of planning condition No 2 (app 9/83/00453) "The building will not be used between the hours of 11.00pm and 8.00am"</b>	
<b>Location</b>	<b>Heapey &amp; Wheelton Village Hall West View Wheelton Lancashire PR6 8HJ</b>	
<b>Applicant</b>	<b>Heapey And Wheelton Village Hall Committee</b>	
<b><u>Further Information:</u></b>	<p>As members will recall the application to remove Condition 2 attached to planning application reference 9/83/00453 was deferred at Development Control Committee on 13<sup>th</sup> March in order for further consultation with the neighbours to ascertain whether a compromise could be made.</p> <p>A letter, dated 10<sup>th</sup> April, was sent to all of the neighbours which were originally consulted and the neighbours which originally objected to the application. The letter was to gauge the neighbours opinion in respect of a compromise. The compromise related to whether as an alternative to removing the hours condition altogether an application to vary the opening hours would be more agreeable. The suggested hours variation consisted of 7.30am to 10pm Sunday to Wednesday, 7.30am to 11pm Thursdays and 7.30am to 12am Friday and Saturday.</p> <p>8 letters and e-mails have been received and one resident has telephoned the planning department in respect of the letter of 10<sup>th</sup> April. All of the correspondence still objects to the proposed variation of condition and would not be agreeable to a variation of condition.</p> <p>As such it does not appear that a compromise can be reached in respect of the proposal and as such the recommendation remains unaltered.</p>	
<b>Proposal</b>	<p>The application relates to the removal of planning condition number 2 which was attached to planning application reference 9/83/00453. Planning permission was granted in 1984 to change the use of Heapey and Wheelton Village Hall from a Day Tutorial Centre to a Village Hall. When planning permission was granted for the change of use a condition was attached restricting the opening hours of the hall and stated that the hall must not open between the hours of 11pm and 8am.</p> <p>The village hall is located within a predominantly residential area of Wheelton. The attached property is a two storey terraced residential dwelling house and access to the site is via Meadow Street. To the front of the building there is limited off street parking.</p>	
<b>Planning Policy</b>	<p>GN4- Settlement Policy- Other Rural Settlements  EP20- Noise  PS2- Provision and Improvement of Community Centres and Village Halls</p>	
<b>Planning History</b>	<p>83/00453- Change of use of former Wheelton Day Tutorial Centre to a Village Hall. Approved 1984</p> <p>03/00500/FUL- Erection of ground floor extension to provide disabled access. Approved March 2004.</p>	
<b>Applicant's Case</b>	<p>The applicant has submitted the following comments in support of the application:</p>	

\* On several occasions during the year the Committee organises special community events including a Children's Christmas Party. The hall is also used for private functions.

\* The Heapey and Wheelton Parish Plan identified the need to develop and improve facilities at the Village Hall and plans are currently being drawn up for a remodelled hall in order to serve the community better.

\* The current hours restriction seriously hampers the commercial viability of the hall especially its use for fee earning private functions.

## **Representations**

Councillor Iris Smith has requested that the application is referred to Development Control Committee

7 letters of objection have been received raising the following points:

\* Increased noise and disturbance

\* Increase in traffic and congestion

\* Potential for vandalism

\* Lack of parking and Meadow Street is a very narrow street

\* Close proximity to residential dwellings

\* Increased litter

\* Since planning permission was granted for the village hall several things have happened which, include new users of the hall playing loud music, increase car ownership and additional residential properties have been constructed in the area. No sound insulation has been installed at the hall.

\* The adverse and stressful circumstances created by noise and traffic congestion within the area can at least be curtailed to within a reasonable time frame by the retention of the planning condition.

## **Consultations**

Director of Streetscene, Neighbourhoods and the Environment (Environmental Health) has no comments to make.

## **Assessment**

Planning permission was granted in March 1984 to change the use of Wheelton Day Tutorial Centre to a Village Hall. Condition 2 of the planning permission stated that the village hall shall not open between the hours of 11pm and 8am.

This application relates to the removal of condition 2 of the original permission to allow the hall to open outside the current permitted hours. In the past the hall has breached this condition and opened outside the permitted hours however this was only occasionally and has not occurred on a continuous basis. Therefore as the hall has not been continuously in breach of the condition for in excess of 10 years this condition still applies. The Village Hall Committee wishes to remove this condition to enable the hall to be hired out for private functions as the current hours restrictions hampers the commercial viability of the hall.

A Public Entertainment Licence was granted in November 2003 to allow the hall to hold events up to 12 midnight Thursday to Sunday although a condition was attached stating that only 12 public entertainment events can be held in a 12-month period. This is clearly contrary to the hours permitted as part of the planning approval. Although the hall has a Public Entertainment Licence the planning condition still applies.

The main issues to consider are the impact of opening the hall outside of the currently allowed time on the surrounding area and the nearby residents. The Village Hall is located in a predominantly residential area with the only access to the hall being via a narrow residential street, Meadow Street. The adjoining property to the Hall is a residential property, 4 West View.

There is limited parking associated with the Hall with a small area located to the front of the building. The properties along Meadow Street and West View do not have off street parking and therefore park on the highway.

It is considered that as the immediate surrounding area is residential the

removal of the planning condition will detrimentally impact on the neighbours in terms of noise and disturbance. If the hall were to open after 11pm this would attract vehicles and members of the public late in the evening to the detriment of the surrounding neighbouring residents. It is considered that the activity created which will include people talking, car engines revving and general noise as people exit the premises will adversely impact on the neighbours amenities. In addition to this the lack of parking in the vicinity ensures that customers/ visitors to the premises will park close to the residential properties which will lead to noise and disturbance to the detriment of the neighbours amenities.

### **Conclusion**

It is considered that current opening hours seek to protect the neighbours amenities by ensuring that the premises does not lead to noise and disturbance late in the evening/ in the early hours of the morning. The removal of this condition will attract people and vehicles to the hall at unsociable hours. It is therefore considered that the removal of the condition will lead to an unacceptable degree of noise and disturbance to the detriment of the neighbours amenities.

**Recommendation: Refuse Full Planning Permission**

### **Reasons**

1. The removal of planning condition 2 of planning permission reference 9/83/00453 will result in an increase in activity on and around the site, particularly late at night to the undue detriment of the amenity and quietude of nearby residential occupants. As such the proposal is considered to be contrary to Policies EP20 and PS2 of the Adopted Chorley Borough Local Plan Review.

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