REPORT UPDATE

Application No: BN/18/13/

Reason for the Update / Changes

Reason for Update/Changes:

Letter of Support received on 11.11.13 from Barnham Parish Council

The Committee are very supportive of the application due to the enormous community effort that has been put into the completion of the hall and the social enterprise that is starting to develop through the use of the facilities it provides. It is also felt that the later opening hours are very important to ensuring the financial viability of the hall. We have noted that the objections particularly centre around the noise emanating from the gravel car park and would like the Committee to know that the new Hall Charity, with the support where possible of the Parish Council, is actively pursuing avenues of funding to tarmac the car park which should resolve these particular concerns.

Officers Comment: Comments noted.

Note: No changes to recommendation, conditions or officer's recommendation shown at the end of the attached report.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

BN/18/13/

Recommendation Report for Planning Permission

REF NO: **BN/18/13/**

LOCATION: Barnham Community Hall
Yapton Road
Barnham

PROPOSAL: Application for the variation of Condition 13 (hours) following grant of planning permission BN/3/09/

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	Approximately 3.84 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat but the land rises up slightly from the road to Murrells Field at the rear.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The site to the front is currently being developed with wire fencing surrounding the site, rear and side boundaries hedging/tree screening.
SITE CHARACTERISTICS	Newly constructed Village Hall. The building is a two storey and single storey with flint work detail to front and wood cladding. The area to the front is gravel with an overflow car park to the west with children's playground and multi use games area. To the rear is public open space with picnic area.
CHARACTER OF LOCALITY	The area is semi-rural with a mixture of housing, The Murrell Arms Public House to west with a butchers shop. Murrells Field to rear of site.

RELEVANT SITE HISTORY

BN/3/09/	Replacement village hall together with the erection of a terrace of 4 no. 2 bed houses and 4 no. 3 bed houses on former village hall site, relocation of vehicular access. (Departure from the Development Plan)	ApproveConditionally 13-07-2009

REPRESENTATIONS

Representations received:

7 Letters of Objection (3 from same address)
Noise from cars driving in and out of the car park on the gravel surface.
The Community Centre is to serve the community and not to cause problems with regard to unnecessary noise and disturbance.
Activity has already increased significantly and extended hours will exacerbate the problem.
Noise and dust associated with the construction has been endured but the extension of the opening hours is a step too far.
Condition was imposed to protect local residents from disturbance.
Noise from the car park and flashing lights is disturbing to nearby residents.
The old Village Hall was smaller and was only used on odd occasions. Now there are two halls there could be up to 60 cars using the car park and centre, girls screaming and people

shouting until 11.45pm even though the centre is shut at 11.00pm. The amended hours would increase this time until 12.45pm or 1.00am if the centre is open till 12.00 midnight and the car park lights would be on, lighting out bedrooms even longer.
Although the hall is sound proofed, could we insist that the doors and windows are kept closed as the music can be quite loud, especially late at night and Sunday afternoon.
Having lived nearby for 16 years we have never seen anything from the Village Hall passed 11.00pm except on the odd occasion which would be New Year.

Letter of Support from former clerk to Barnham Parish Council
During my time as Parish Clerk and my wife Helen's seven year tenure as Hall Manager, we only had one complaint about youths making a noise late at night. The police were called and established that the incident had nothing to do with the parish hall - the youngsters had got drunk elsewhere and were larking about on Murrell's Field in the dark.
We were quite frequently booked for parties on Saturdays and occasionally on Sundays, on average once or twice each month each month. Up to 100 people attended these events and they generated up to about 60 cars, which were parked along Yapton Road. Usually there would be about 30 cars. We never had any trouble at these events which were always supervised by adults. I am sure that the current car park, even with its gravel surface would generate less noise than parking along Yapton Road will have generated. It is also safer as it contains people within the community hall grounds, rather than spilling out onto the highway and relying on kerb parking. We had an entertainments license which had a wide range of hours, something like 7am until 2pm although no music was never played after midnight. Given my experience of past events I would be most surprised if "girls screaming late at night" had anything to do with the community hall. It is far more likely they were on Murrell's Field, having obtained alcohol elsewhere. Surely to provide entertainment and events at the community hall will help reduce unsupervised, bored teenagers from making their own entertainment, which may well cause disturbance and concern for residents.

I feel that the current 11pm restriction is totally unreasonable and not founded on any evidence of past use.

Comments on Representations received:

Objection comments noted
It is not considered that the longer hours of operation will significantly increase disturbance to neighbouring properties to recommend refusal. Environmental Health have been consulted and have raised no objection to the variation of hours of operation and a Noise Management Scheme has been submitted with the application which outlines the mitigation procedures.

CONSULTATIONS

Environmental Health
Cultural Development

Consultations responses received:

Environmental Health
No evidence is presented to support the statement that other village halls in the area operate longer hours. Noise breaking out from the building or from patrons will increase in significance after 11pm due to its potential to cause sleep disturbance to nearby residents.

A complaint has been received concerning noise produced by vehicles moving on the gravel car park of the new village hall. This complaint is currently under investigation, however, formal action can only be taken if the noise amounts to a Statutory (Criminal) Nuisance. Impact of noise from this source upon residential amenity may be mitigated by the provision of an alternative car park surface.

Cultural Development
Awaited

Comments on Consultation responses:

Environmental Health comments noted
The applicant has submitted details of hours of operation for Walberton, Eastergate and Yapton Parish Council. Eastergate can be booked until 12 Midnight seven days a week, Walberton and Yapton to 11.30 pm Monday, Thursday and Sunday, Midnight on a Friday and Saturday. The only exception is New Year's Eve which is to 12.30am. A Noise Management Scheme has been submitted with the application which outlines mitigation procedures to ensure that the hirers of the hall do not generate excessive noise during hours of operation.

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary
Class B Road
Area of Special Control for Advertisements
PDR - Condition 15 on BN/3/09 windows

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN3	Protection of the Countryside
	GEN32	Noise Pollution
	GEN7	The Form of New Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The application seeks to amend the previously approved Condition 13 on BN/3/09 which restricts the community centre hours of operation.

Condition 13 states: The community centre hereby approved shall not be in use except between the hours of:-
7.00am and 11.00pm on Mondays to Fridays inclusive.
7.00am and 11.00pm on Saturdays, Sundays or Public Holidays.

The proposed changes to the hours of operation are:-
0700-2300 hrs Sunday to Thursday inclusive.
0700-12.00 Midnight Fridays & Saturdays.
0700-01.00 New Years Eve/Day.

No conditions were placed on the previous village hall. The hours of operation for Walberton, Eastergate and Yapton Village Halls do extend to 12 midnight on Friday and Saturday. The District Council's Environmental Health Department have been consulted and although there has been a complaint regarding the noise produced by vehicles moving on the gravel car park there has not been any history of noise complaint in respect of the village hall. However, they have advised that noise breaking out from the building or from patrons using the building will increase significantly after 11pm due to its potential to cause noise disturbance to nearby residents but subject to ongoing management of noise they have raised no objection to the variation of the condition and new hours of operation. A Noise Management Policy has been submitted with the application which includes mitigation procedures to ensure the premises and hirers of the hall do not generate excessive noise during hours of operation.

Whilst the proposed hours of operation are an intensification of the use it is not considered that this would represent an unacceptable loss of residential amenity to neighbouring properties. Due to the limited increase in time on two nights in the week and once a year on New Years Eve/Day Environmental Health have powers to take action against noise issues.

It is therefore recommended that the application be approved, subject to conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal a neutral impact has been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

RECOMMENDATION

APPROVE CONDITIONALLY

1 The proposed extended opening hours are likely to give rise to unacceptable noise and disturbance late into the night detrimental to the residential amenities of neighbouring residential properties contrary to GEN7 and GEN32 of the Arun District Local Plan 2003.

2 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. Furthermore, Members of the planning committee which took the decision to refuse planning permission have been asked to consider whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.