

ABG/10633/7 – The Royal British Legion Club.

Variation of condition 4 of planning permission ABG/10633/2 and condition 4 of ABG/10633/3 to allow the opening hours on Sunday to Thursday until 11.00pm and Friday and Saturday until 12.00am. The Royal British Legion Club, 25 Spring Road, Abingdon.

1.0 The Proposal

- 1.1 This application seeks planning permission to vary two planning conditions in order to revise the opening hours of the premises to 9.00am to 11.00pm on Sundays to Thursdays and 9.00am to 12.00am on Fridays and Saturdays.
- 1.2 The current planning conditions allow opening until 11.00pm each day in the main building and to 11.30pm in the games room extension.
- 1.3 The premises are situated on the corner of Spring Road and Exbourne Road and are bounded by dwellings on all sides. A copy of the plan showing the location of the building is attached at **Appendix 1.**
- 1.4 The application has been referred to Committee as 13 letters of objection from local residents have been received.

2.0 Planning History

- 2.1 In September 1989 planning permission was granted for the change of use from public house (the former Prince of Wales) to club and branch headquarters for the Abingdon Royal British Legion. As part of that permission, condition 4 was attached to allow opening only between the hours of 9.00am – 11.00pm.
- 2.2 In February 1990 planning permission was granted for the erection of a single storey extension to provide a games room and indoor toilets. A condition was also attached to restrict opening hours from 9.00am to 11.30pm.

3.0 Planning Policies

- 3.1 Policy D2 of the adopted Vale of White Horse Local Plan seeks to ensure that all new development does not cause demonstrable harm to the amenity of neighbouring development (in terms of noise, vibration and other forms of pollution).
- 3.2 A similar policy to that above has been included in the Second Deposit Draft Local Plan 2011, Policy DC9.

4.0 Consultations

- 4.1 Abingdon Town Council has no objections.
- 4.2 County Engineer – No highway impact.
- 4.3 Environmental Health – “No objection. There have been a number of issues relating to noise from these premises. However, this is more effectively controlled using licensing and nuisance provisions.”
- 4.4 13 letters of objection have been received stating the following:
 - This is a residential area, and there is a need to consider the adverse effect longer opening hours will have on neighbours and residents.
 - Later hours will lead to additional noise and disturbance from people leaving the site. There already is noise until late and there has been intrusive noise from cars and people shouting

when leaving at the end of the night. It also gets worse in the summer months when people are outside in the car park, drinking or when an Aunt Sally match is being held outdoors.

- Friday night discos are loud and the music, particularly the bass, can be clearly heard through the walls of neighbouring properties during the evening.
- Several times, residents have had to contact the Council's Environmental Health Officers due to unacceptable levels of noise arising from club activities.
- The club has a relaxed attitude to its hours of opening and on several occasions noise and disturbance has extended beyond midnight in breach of their existing planning conditions.
- As they have been in breach of the planning conditions prior to this application being submitted, what is there to ensure they will keep to the hours now proposed?
- There are many establishments in town that open after 11.00pm – it is not appropriate to inflict the same on a residential street – 12.00am is too late and unacceptable.
- Membership of the Legion has recently been changed where it is open to all members of the public, ex-armed forces or not, so it is effectively a drinking club (this is not a material planning consideration).

5.0 **Officer Comments**

- 5.1 The main issue in this case is considered to be the impact of the proposal on the amenities of neighbouring properties in terms of noise and disturbance.
- 5.2 Your Officers consider that no undue harm would be caused to those properties which are adjacent to the site from granting permission for the variation of the opening hours. The Council's Environmental Health Officer has also raised no objection to the application, on the basis that other legislation controlling noise and disturbance would be more effective to enforce.
- 5.3 Through an anomaly in the planning consents, the premises currently have varied opening hours for different parts of the building (11.00pm main building and 11.30pm for the single storey extension). As it presently stands this is virtually impossible to enforce, as the Enforcement Officers would have to prove that patrons were in that specific part of the building beyond 11.00pm (or 11.30pm) where the particular condition applied. The applicants are seeking to address this through this application by having a revised condition that applies to the whole of the premises. The opening hours requested would actually lead to a weekly net loss of 2 ½ hours in opening times given that use of the 'games room' extension would cease at 11.00pm as opposed to 11.30pm.
- 5.4 Your Officers note that the objections received to this application indicate that there may have been breaches of the extant opening hours conditions. These allegations have been brought to the applicant's attention. In response, they have confirmed they are willing to fully comply with the revised opening hours as requested. Residents are fully aware (through this application) that the hours of opening can be enforced, and are urged to contact the Council's Planning Enforcement Officer or our colleagues in Environmental Health should there be further problems in relation to any breaches of the times stated. On balance, provided the hours of use are adhered to, your Officers see no reason to withhold permission for the extra ½ hour on Fridays and Saturdays.

6.0 **Recommendation**

- 6.1 *That planning permission be granted subject to the following condition:*

- 1 *The use hereby approved shall not be carried on and no customer shall be served or remain on the premises outside of the hours 23.00 – 09.00 Sunday to Thursday and 00.00 – 09.00 Friday and Saturday, without the prior approval of the District Planning Authority.*