

<b>APPLICATION NO.</b>	<a href="#">P17/V1399/FUL</a>
<b>SITE</b>	Abingdon United Football Club & Social Club Northcourt Road Abingdon Oxon, OX14 1PL
<b>PARISH</b>	ABINGDON
<b>PROPOSAL</b>	Variation of Condition 4 of planning permission P96/V1020/EX to amend the opening times to the following:  Monday - Thursday 0900 to 0030 Friday - Saturday 0900 to 0130 New Year's Eve - 0900 to 0130  (As amended by additional information received on 26 July 2017)
<b>WARD MEMBER(S)</b>	Katie Finch Helen Pighills
<b>APPLICANT</b>	Abingdon United FC&SC
<b>OFFICER</b>	Sally Appleyard

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## **RECOMMENDATION**

**That planning permission is granted subject to the following conditions:**

- 1. Temporary permission for one year.**
- 2. Hours of operation.**

### **1.0 INTRODUCTION AND PROPOSAL**

1.1 The application is referred to committee as the proposal involves the council as landowner and objections from local residents have been received.

1.2 The application seeks planning permission to vary condition 4 attached to planning permission P96/V1020/EX. The condition states the following:

*“The building hereby permitted shall not be used for functions or other entertainment purposes before 0900 hours nor after 2330 hours, or after such time as may be granted by the magistrates Court as an extension to the licence, without prior approval in writing of the District Planning Authority.”*

1.3 The application seeks planning permission to alter condition 4 to enable the premises to remain open until 00:30 Monday to Thursday and until 01:30 on Fridays, Saturdays and New Year's Eve to be in line with the premises licence granted on 22 May 2017.

1.4 A site location plan is included below.



2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1 A summary of the responses received in respect to the original and amended plans is below. A full copy of all the comments made can be viewed online at [www.whitehorsedc.gov.uk](http://www.whitehorsedc.gov.uk).

<b>Abingdon Town Council</b>	No objections, subject to ongoing monitoring and music continuing to stop at 11:45pm.
<b>Councillor Helen Pighills</b>	Concerns raised regarding noise nuisance and disturbance as a result of the extension of the opening hours. Recommend condition for the extended opening hours to be reviewed after a period of time.
<b>Local Residents</b>	Five letters of objection have been received. The grounds for objection are: <ul style="list-style-type: none"> <li>• Noise nuisance</li> <li>• The building has poor sound insulation</li> <li>• Noise levels unacceptable in a residential area</li> <li>• Extended hours unnecessary</li> <li>• Anti-social behaviour</li> <li>• Does not comply with leasehold terms</li> </ul>
<b>Health &amp; Housing - Env. Protection Team</b>	Noise and disturbance complaints currently under investigation. Recommends 12 month temporary permission to allow a more thorough assessment on the impact on local residents.

3.0 **RELEVANT PLANNING HISTORY**

3.1 [VE01/404](#) - ()  
unauthorised development  
ref no 269/01

[VE02/249](#) - (25/02/2011)

flood lights not wound down fully between matches  
ref no 179/02

[P05/V1216](#) - Refused (13/10/2005) - Appeal dismissed (31/07/2006)

Erection of a 17.5m streetworks column telecom mast together with ground based equipment cabinets and associated ancillary equipment.

[P05/V0404](#) - Approved (09/05/2005)

Erection of a stand for additional spectator seating.

[P02/V0111](#) - Approved (02/09/2002)

Extension to existing stand for additional spectator seating.

[P00/V0267](#) - Approved (13/04/2000)

Extension to provide shower/Changing facilities. Demolish existing shower/changing facilities.

[P96/V1355/COU](#) - Approved (13/02/1997)

Change of Use for additional use as a Pre-School playgroup.

[P96/V1020/EX](#) - Approved (04/11/1996)

Renewal of Planning Consent ABG/467/14 for demolition of terrapin type building and construction of a new function room.

[P93/V0347](#) - Approved (05/08/1993)

Replacing of 8 existing floodlights (8 metres high) and upgrading with 8 telescopic floodlights (variable height adjustment 5 metres to 16 metres) with two lights on each giving an average of 140/160 lux.

[P92/V0343](#) - Refused (14/01/1993)

Erection of 8 new floodlights.

[P91/V0342/CA](#) - Approved (07/11/1991)

Demolition of existing terrapin function room.

[P91/V0341](#) - Approved (07/11/1991)

Demolition of existing terrapin type building and construction of a new function room.

### 3.2 **Pre-application History**

None

### 4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The site area is less than 5ha, fewer than 150 dwellings are proposed and the site is not in a 'sensitive area' as defined by the regulations. The proposal is not therefore, EIA development.

### 5.0 **MAIN ISSUES**

5.1 The main issues relating to this application are as follows:

1. Residential amenity

5.2 **Residential Amenity**

The main issue in the determination of this application is whether the extended opening times would harm the amenities of neighbouring residential properties in terms of noise and disturbance.

5.3 The environmental health officer has been consulted on this application and recommends a temporary permission for a period of 1 year would be acceptable. The reasons for this are because allegations of noise and disturbance from the premises were only brought to the councils attention during the licensing hearing in May 2017 in which the licence to extend the opening hours was granted.

5.4 The complaints regarding noise and other anti-social behaviour associated with the premises are currently under investigation. As live music events at the application site currently take place about once per month on average, sufficient time is required to enable the potential impact in terms of noise and disturbance to be fully assessed. It is not considered that the extended hours proposed on the Friday and Saturday would result in a significant loss of amenity, however it is unclear if the extended opening hours Monday to Thursday will result in significant harm to local residents. It is considered that the way in which the dispersal of patrons is managed is critical to avoiding disturbance to local residents and it is considered that a temporary permission will enable the applicants to demonstrate that they are able to manage dispersal effectively.

5.5 It is therefore considered reasonable to condition a trial period of one year in order to monitor the extended opening hours and assess their impact on the locality.

5.6 **Licensing**

Planning and licensing decisions are made under a different statutory regimes involving consideration of different matters. For instance, licensing considers public nuisance whereas planning considers amenity. The premises licence was granted earlier this year in May, with this current planning application seeking to vary the opening times to be in accordance with the licence. This application has been considered separately from licensing in accordance with policies within the development plan.

5.7 **Other matters**

Concerns have also been raised with regards to the extension of the opening hours are not in accordance with the lease. This is a separate matter that is dealt with outside of planning and is not a material planning consideration.

5.8 It is noted that concerns have also been raised that the extension of the opening hours will result in antisocial behaviour to increase. This is a civil matter that is dealt with outside of planning legislation.

## 6.0 **CONCLUSION**

- 6.1 There is no evidence to indicate that the proposed development will harm the amenities of neighbouring properties. A temporary permission for a period of 1 year will enable the extended opening hours to be monitored and the impact on the neighbouring properties to be fully assessed.

The following planning policies have been taken into account:

### **Vale of White Horse Local Plan 2011 saved policies;**

DC9 - The Impact of Development on Neighbouring Uses

### **The emerging Local Plan 2031 part 2;**

Paragraph 216 of the NPPF allows for weight to be attached to relevant policies in the emerging plan subject to the stage of preparation of the plan, the extent of unresolved objections, and the degree to which its policies are consistent with the NPPF. The relevant policies from the emerging local plan are as follows:-

DP22 - Impact of Development on Amenity

### **National Planning Policy Framework 2012**

### **National Planning Practice Guidance 2014**

### **Vale of White Horse Design Guide 2015**

### **Abingdon Neighbourhood Plan**

Paragraph 216 of the NPPF allows for weight to be given to relevant policies in emerging plans, unless other material considerations indicate otherwise, and only subject to the stage of preparation of the plan, the extent of unresolved objections and the degree of consistency of the relevant emerging policies with the NPPF.

Abingdon Neighbourhood Plan – Abingdon does not currently have a neighbourhood plan.

### **Human Rights Act 1998**

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

### **Equality Act 2010**

In determining this planning application the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.