

APPLICATION NO.	P18/V2222/FUL
SITE	Abingdon United Football Club, Northcourt Road Abingdon, OX14 1PL
PARISH	ABINGDON
PROPOSAL	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 28 September 2018).
WARD MEMBER(S)	Katie Finch Helen Pighills
APPLICANT OFFICER	Abingdon United Football Club Sally Appleyard

RECOMMENDATION

That planning permission is granted subject to the following conditions:

- 1. Hours of operation**
- 2. Compliance with approved noise management programme**

1.0 INTRODUCTION AND PROPOSAL

1.1 This application is referred to committee after the granting of a temporary permission for the same proposal at planning committee on 13 September 2017 under application reference P17/V1399/FUL. It was agreed at this committee meeting that any subsequent application seeking planning permission on a permanent basis would also be referred to committee.

1.2 The application seeks planning permission to vary condition 4 attached to planning permission P96/V1020/EX on a permanent basis. 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.”

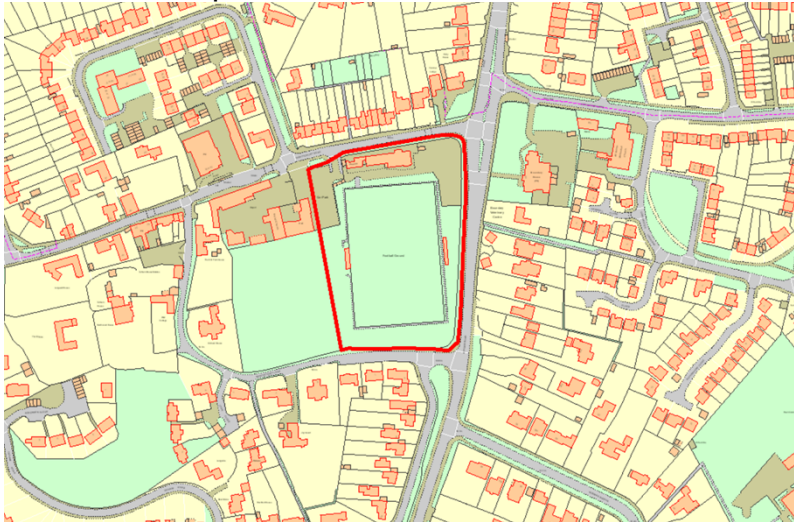
1.3 The application seeks planning permission to alter condition 4 to enable the premises to remain open until 00:30 Monday to Thursday and until 01:30 on Fridays, Saturdays and New Year's Eve to be in line with the premises licence granted on 22 May 2017. It is therefore proposed that the varied condition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

“The building shall not be used for functions or other entertainment purposes before 09:00 on Mondays to Saturdays nor after 00:30 on Mondays to

Thursdays, 01:30 on Fridays, Saturdays and New Years Eve and 23:30 on Sundays.”

1.4 The site lies within the main built up area of Abingdon, and is situated within the Abingdon Northcourt Conservation Area. The site is within a corner plot towards the eastern end of Northcourt Road, with Northcourt Road running along the northern boundary of the site and Oxford Road running along the eastern boundary of the site. The site is within a residential area, with the dwellings closest to the function room situated to the north.

1.5 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.

Abingdon Town Council	No objections
Local Residents	<p>Six letters of objection were received within the first round of consultation, and a further five letters of objections were received within the second round of consultation. The grounds of objection are as follows:</p> <ul style="list-style-type: none"> • Noise and disturbance late at night 7 days a week • Unclear why the club wishes to extend its hours further and does not specify what use it would make of the extended times • Extended hours are unnecessary and excessive • No details submitted regarding new function room • Continuing to ignore planning restrictions • Extension of opening times results in antisocial behaviour
Health & Housing - Env. Protection Team	No objections, subject to compliance with noise management plan.

3.0 **RELEVANT PLANNING HISTORY**

3.1 [VE01/404](#) - ()

unauthorised development
ref no 269/01

[VE18/505](#) - (14/09/2018)

without planning permission the change of use of land by the stationing of caravans in the carpark for residential or commercial purposes

[P17/V1399/FUL](#) - Approved (19/09/2017)

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)

[VE17/429](#) - (07/09/2017)

Unauthorised advertising on perimeter fence.

[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.

[P88/V0403](#) - Approved (17/05/1989)
Extension to form members club, cellar and toilets.

[P87/V0316](#) - Approved (18/04/1988)
Erection of a covered stand (to seat 52 spectators) and trainers.

[P84/V0313](#) - Approved (15/02/1984)
Erection of a new stand.

[P83/V0326](#) - Approved (15/02/1984)
Erection of 8 floodlights with two lights at 16 metres high.

[P83/V0323/A](#) - Approved (13/07/1983)
Non-illuminated sign beside entrance to club grounds.

[P83/V0324/A](#) - Refused (23/05/1983)
Non-illuminated sign to replace one previously approved.

[P82/V0202](#) - Approved (26/04/1982)
Extension to provide lounge, bar and toilets.

[P81/V0337](#) - Other Outcome (18/03/1981)
Demolition of existing social club and erection of new social club with car parking.

[P77/V0264/A](#) - Approved (04/09/1978)
Erection of a name sign.

[P76/V0192/A](#) - Refused (29/11/1976)
Erection of a non-illuminated advertisement sign. (Single sided standing sign on posts).

[P76/V0190](#) - Approved (06/09/1976)
Erection of an extension to clubhouse .

[P76/V7100/LB](#) - Approved (26/04/1976)
Change of use of shop to offices to be used in conjunction with dairy.

[P75/V0197](#) - Approved (17/10/1975)
New beer store and home team showers.

[P74/V0209](#) - Approved (22/07/1974)
Erection of concrete shelter for the use of Club Trainers.

[P73/V0208](#) - Approved (17/12/1973)
Erection of a clubhouse.

[P71/V0061](#) - Refused (29/06/1971)
Erection of five dwelling houses and garages with provision of cul-de-sac road.

[P66/V0058](#) - Approved (13/09/1966)
Erection of a clubhouse.

[P59/V0013](#) - Approved (10/12/1959)
Restorations and alterations

[P53/V0006](#) - Approved (21/09/1953)
To erect a pavillion.

[P53/V0005](#) - Approved (04/03/1953)
Dressing rooms, shower baths and lavatories in one building approx 60' x 20'
near northern boundary. Planning Application History

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 This application follows on from application P17/V1399/FUL where planning permission was granted on a temporary basis for 12 months. It was considered under the assessment of this application that the extended hours proposed on the Friday and Saturday would not result in a significant loss of amenity, however it was unclear if the extended opening hours Monday to Thursday would result in significant harm to local residents. The granting of a temporary permission was to allow sufficient time to monitor and assess the potential impact of noise and disturbance on local residents as a result of extended opening hours granted under the license in May 2017.

- 5.4 This current application seeks planning permission for the extension of the opening times on a permanent basis. The extension of the opening times are the same as specified on the previous application. A noise management programme has also been submitted which outlines existing measures to reduce noise and an action plan for making further improvements.
- 5.5 The environmental health officer has confirmed that the last complaints about loud music was back in May 2017. Recording equipment was installed with the complainant, but no evidence of nuisance was obtained. There was also a complaint about noise from the intruder alarm, and a new system is being installed and is referred to in the noise management programme. As a result, the environmental health officer has raised no objections to the extension of the opening times on a permanent basis, subject to compliance with the submitted noise management programme.
- 5.6 Following the 12-month temporary permission granted in September 2017, it is not considered that the extension of the opening times on a permanent basis would significantly harm the amenities of local residents in terms of noise and disturbance to justify refusing the application.
- 5.7 **Licensing**
Planning and licensing decisions are made under different statutory regimes involving consideration of different matters. For instance, licensing considers public nuisance whereas planning considers amenity. The premises licence was granted in May 2017, 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 and material planning considerations.
- 5.8 **Other Matters**
Local residents have raised concerns regarding the application description as it refers to the construction of a new function room. This is the original application description to which this current application is seeking to vary. For the avoidance of doubt, this application only seeks permission to extend the opening hours on a permanent basis.
- 5.9 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.
- 5.10 **Conditions**
Planning conditions from planning permission P96/V1020/EX have been carried across to this planning permission where they are still considered to be necessary. In this case, condition 4 relating to the opening times is the only condition to still be relevant. This has been updated to reflect the proposed new opening times. An additional condition regarding compliance with the Noise Management Programme is also considered reasonable and necessary to add.

5.11 **Community Infrastructure Levy (CIL)**

The proposal to extend the opening times on a permanent basis is not CIL liable.

6.0 **CONCLUSION**

6.1 In conclusion, officers recommend that approval is granted for the variation of condition 4 of planning permission P96/V1020/EX for the extension of the opening hours on a permanent basis. This follows a 12 month temporary permission that was granted in September 2017 which allowed for sufficient time to monitor and assess the potential impact of noise and disturbance on local residents. Over the last 12 months, there have not been any complaints to suggest that the extended opening hours are significantly harming the amenities of local residents in terms of noise and disturbance to justify refusing the application. The proposal is therefore considered to accord with the relevant policies of the development plan and with the national Planning Policy Framework.

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

Emerging Vale of White Horse Local Plan 2031 part 2;

The draft local plan part 2 is not currently adopted policy. The plan has recently been examined (July and September 2018) but the inspector's report is yet to be issued. At this advanced stage it is officers' opinion that the emerging Local Plan carries limited weight for decision making. Notwithstanding, the following policies are material to the consideration of this application:

DP22 - Impact of Development on Amenity

National Planning Policy Framework 2018

National Planning Practice Guidance 2014

Vale of White Horse Design Guide 2015

Neighbourhood Plan

There is currently no neighbourhood plan for Abingdon.

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.

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