

- a) **DOV/16/00227 - Variation of condition 22 of planning permission DOV/11/00965 to allow extended opening hours - Woodnesborough Village Hall, The Street, Woodnesborough**

Reason for report: The number of third party contrary views.

- b) **Summary of Recommendation**

Planning permission be Granted.

- c) **Planning Policy and Guidance**

Dover District Core Strategy

None applicable.

Land Allocations Local Plan

None applicable.

Material considerations

National Planning Policy Framework (NPPF)

Of the twelve core principles of the NPPF there are two that are directly relevant to the consideration of this application. Planning decisions should:

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

National Planning Policy Guidance (NPPG)

Guidance is provided on matters relating to the main issues associated with the proposed extension to the hours of use and in particular when and how noise is relevant to planning.

Noise Policy Statement for England (NPSE)

This is referred to in the NPPF and sets out the long term vision of government noise policy, to promote good health and a good quality of life through the management of noise.

- d) **Relevant Planning History**

DOV/15/00307 - Variation of condition 2 of planning permission DOV/11/00965 to allow amendments to approved drawings in respect of unit 24 (application under Section 73) – Granted.

- DOV/11/00965A - Minor alterations to approved scheme – Granted.
- DOV/11/00965 - Erection of 24 dwellings, change of use and conversion of existing community hall into a single residential dwelling and creation of parking space and the erection of a new community building with associated parking and creation of a vehicular access – Granted.

e) **Consultee and Third Party Responses**

Environmental Health comments: The new hall is of robust construction with Thermafloor ceiling insulation beneath roofing tiles. All windows and doors have acoustic glazing. It is evident that the construction is sufficiently robust to prevent noise breakout during music events, provided reasonable control on keeping doors and windows closed during music events are in place. There is adequate mechanical ventilation to enable doors and windows to remain closed. An inspection of the inner hall where predominately events are likely to take place identified fire exit doors on the façade looking out to properties in Woodland Way. It is recommended that break-glass bolts are fitted to these doors to prevent repeated opening by users during events.

In terms of potential for loss of amenity to residents in the area it is probably the use of road vehicles, taxis etc using the entrance road that are most likely to generate complaints if allowed to arrive and leave at speed. It is recommended that speed signs limiting to, say 10mph, would be sufficient to control this. It was also agreed that a management plan to include proposals for closing the hall after an event should be submitted to the Council to provide assurance that events, eg. weddings will not cause excessive disturbance. Signs at exit doors advising users to keep noise levels to a minimum need to be upgraded to a larger size.

The following informative is suggested: The applicants may need to consider altering premises licence conditions if applicable.

Parish Council comments: Fully support the proposal. The hall is a valuable facility for the local community and this amendment will allow for its full use by local club and societies as well as for the occasional function that will bring much needed revenue to the hall.

Third Party comments: 39 representations have been received in which 20 letters of objection and 19 letters of support for the variation to the opening hours raise the following comments that are material to the consideration of this application:

Summary of representations in support of the application:

- The hall should have modern/flexible opening times to enable full and varied uses.
- The current hours for closing are too early for a village hall especially when events are held.
- The hall should have the opportunity to open for events requiring later hours, not necessarily being the norm but on occasion.

- The village has lost the local post office and pub and the hall is bringing life back to the village.
- The hall would be controlled and monitored reasonably by the Trustees and management committee, who want to ensure good relations with the neighbours and other residents in the village.
- The old hall which was much closer to housing than the new hall and was of poorer build quality, and never caused any problem like noise and it is understood that it had a closing time of 11.30pm.
- With a new build of this type noise levels from within should be minimal.

Grounds of objection are summarised below:

- Peace and tranquilly of the semi rural area should be considered.
- Lack of controls on light pollution to property in respect of periods of display and the shielding of lights.
- Lack of noise attenuation measures.
- Lack of measures by the Parish Council to ensure that any limitations to use are placed upon the hall prior to occupation.
- Taxis waiting, cars departing engines etc after midnight.
- Disruption to peaceful sleep.
- A compromise on hours would be better, for e.g 7 am -10.30 pm Sunday to Thursdays and 7 am -11.30pm Friday and Saturday.
- The original permission was allowed to be built in its current position to safeguard the living conditions of surrounding residents.
- Question is raised as to the size, capacity and parking requirements.
- There is no researched business case for the demand to extend the opening hours.
- Closing at midnight will not mean that the premises are vacated by that time.
- The proposal to extend the hours is premature as only 8 out of 24 dwellings on the adjacent new residential development have transferred ownership, and this application consultation will not take account of residents who will be most impacted.
- Smoking laws will lead to people congregating outside of the building and leading to noise and nuisance.
- Question is raised as to whether alcohol will be consumed on the premises.
- Disappointment that there has been no effort to discuss the proposal with residents likely to be affected and the position of site notice.
- Concern at the main reason of commercial viability being cited for the extended hours – this should not rank more highly than the right to pleasant enjoyment of neighbouring homes and the well being of those who live there.
- Even if commercial viability were a valid reason, the hall has not yet opened and there is no evidence to support its lack of viability.

- The car park is in front of the hall and very close to housing, several bedrooms look onto the car park.
- Concern that a number that have commented do not reside close to the hall and some are not residents in the village.
- Existing residents of Elmwood Park purchased the properties under the existing permission and time restrictions.
- Direct noise from use of the hall and question raised as to the noise limits inside the hall.
- Negative impact on residents, especially the new dwellings, through noise, light pollution and extra traffic.
- Harm to health and well being.
- Detrimental impact on this peaceful and rural location.
- Other village halls have hours closing times until 11pm and then allow for clearing up and vacating. If this is proposed for Woodnesborough it would be more acceptable.
- Residents need protection of strong and reasonable licensing hours to help with potential irresponsible hirers.
- Location of the hall accessed via front of residential properties appears an oversight – until 10pm at present is current and up until midnight is unacceptable.
- Potential for associated comings and goings to be perceived as intimidating and disturbing for residents.
- Potential for drunk and disorderly behaviour.
- Late night noise pollution from people leaving the hall and question over whether studies have been done to demonstrate that there will be no negative residential impact.
- The extended hours creates more opportunity for mid-week weddings with noise levels not being restricted to a Saturday night which is sometimes to be expected.

f) 1. **The Site and the Proposal**

- 1.1 Woodnesborough is located in the northern part of the District located in close proximity to Sandwich, which lies to the east, and 1.5km from Ash to the North West. The village hall is located in the western part of the village, to the south of the recently completed residential development of 24 dwellings, Elmwood Park. The new community village hall (approved under DOV/11/00965) has replaced the existing village hall that now has planning permission for the change of use and conversion to a single dwelling, and listed building consent for the associated internal and external works.
- 1.2 The S106 agreement associated with the DOV/11/00965 permission required the developers to pay a contribution towards fitting out of the new hall, to provide and lay out the community facility land and to construct the shell of the community building in accordance with a specification agreed, prior to occupation of any dwelling. The new community building has been constructed and is now in use.
- 1.3 Condition 22 of DOV/11/00965 states that, “The use of the community building hereby permitted shall operate in accordance with the following hours of use restrictions: 08:30 to 22:00; Monday to Sunday except for purposes/duties associated with the holding of

local/parliamentary elections when the hours of use shall be 06:15 to 22:00 on those election days.

- 1.4 The reason for the imposition of this condition was to minimise the impact of traffic movements and noise on local residents in the interests of their living conditions. The current application seeks to extend those hours. This application originally proposed the following: Variation of condition 22 of planning permission DOV/11/00965 to allow opening from 7am to 12 midnight Monday to Sunday. Further to concerns regarding the scope of the proposed hours, across all seven days of the week, it was agreed that the description be amended to read as stated at the outset and as follows: Variation of condition 22 of planning permission DOV/11/00965 to allow extended opening hours.
- 1.5 No plans are required to be submitted for an application to vary a condition. However, a plan showing the location of the site and the approved layout of the development at Elmwood Park will be on display.

2. **Main Issues**

- 2.1 The main issues in the consideration of this application relate to:
 - (1) the need for the extended hours and;
 - (2) the impact on the residential amenity of adjacent residents.

3. **Assessment**

Need for extended hours

- 3.1 The applicant states in the supporting letter that it is imperative that the hall is self funding and the major source of income is from bookings, and that unless the times are extended it will be unable to compete with other halls. The applicants have provided details of existing community and other groups that would use the hall. Regular uses of the hall include weekday evenings Fitness Classes, Karate, Chess club, Womens Institute, Thai Chi, Gardeners Club and Parish Council. All these have low numbers, maximum 60 persons. During the day, Parent and Toddler and Coffee Pot is attended by no more than 30 persons. Sunday morning is messy church. Also in the week there is an afternoon art class again with low numbers attending.
- 3.2 However given the proximity of the village hall to St Mary's Church, the applicants state that there will be requests for wedding receptions in the new hall for which it is suited. Whilst there has not been a large number of weddings in the past couple of years, there are five that have been booked for this year. Such receptions would usually finish around 11.30pm. In the past the amateur dramatics group has ended by 11pm. The applicant's state that it is not anticipated that there would be many late night functions, and that it is not uncommon for village halls to open between 8-8.30 am and close at 11-11.30pm. It is noted that the conditions of hire for the old village hall stated that the premises must be vacated by midnight.

- 3.3 In promoting healthy communities, the NPPF identifies that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Village halls can contribute positively to providing opportunities for meetings between members of the community who might not otherwise come into contact with each other, and offers regular provision for a meeting place for a number of different interest groups and clubs. The village hall at Woodnesborough offers a modern village hall which is a significant enhancement to the old village hall, and has retained an existing facility in this semi-rural location, and therefore has an important social role in sustaining the community.
- 3.4 It is recognised that in making decisions, account has to be taken of the location of community facilities, in relation to other uses, such as in this case housing. In this case the hours of use that were approved under DOV/11/00965 were considered to be appropriate taking account of the proximity of the village hall, and its access and parking, with the residential properties at Elmwood Park. The NPPF is clear that planning decisions should aim to achieve safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. The need for the village hall to function viably and offer space for a number of activities and uses has to be balanced with the need to ensure that the amenity of residents is not undermined. The extension to the approved hours therefore has an economic, social and environmental impact, (the three elements of sustainable development), which need to be weighed up and balanced.
- 3.5 It is accepted that extending the hours of use would offer more opportunities to secure revenue, which is an economic consideration weighing in favour of the proposal, and would offer scope for a wider range of activities and functions at the premises, thereby supporting and extending its social role in favour of the proposal, as is common for village hall facilities. However, these benefits cannot be considered in isolation of the environmental impact, which in this case relates primarily to safeguarding the amenities of adjoining residents. This is discussed in the section below.

Impact on residential amenity

- 3.6 The NPPF states that noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. Whilst noise can override other planning concerns, the NPPG is clear that neither the Noise Policy Statement for England nor the National Planning Policy Framework (which reflects the Noise Policy Statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development.
- 3.7 The use of the village hall and the associated arrivals and departures of hirers, and the use of outdoor space has the potential to result in noise and disturbance to neighbouring residents, not only in Elmwood Park, through which the site is accessed, but also to residents in Woodland Way to the east. Further to a visit to the village hall it was

apparent that the hall has been constructed and finished to a high standard and that the space will be attractive to a number of potential hirers. Whilst this will have economic and social benefits, there is also the potential for environmental harm to arise.

- 3.8 The comments from the Councils Environmental Health team are agreed in terms of the potential for loss of amenity to residents in the area arising from the use of road vehicles, taxis etc. using the entrance road. The recommendations of the Environmental Health team are noted in this regard, which includes installing speed signs (with a restriction to 10mph) and a management plan to include proposals for closing the hall after an event. This could be submitted to the Council (required by planning condition) to provide assurance that events, e.g. weddings will not cause excessive disturbance.
- 3.9 Notwithstanding these comments, the concerns of third parties are noted in respect of the harm to residential amenity from the intended hours of 7 am – midnight 7 days a week. Whilst it is accepted that there may be some measures that can be put in place to minimise noise and disturbance to residents, regard should be had to the advice in the NPPG relating to noise exposure and whether this is likely to cause changes in behaviour or attitude. The NPPG comments that if noise exposure is above a level where the noise leads to a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present, then the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as altering the design and layout. Since the village hall has now been constructed, appropriate mitigation could be sought by imposition of conditions relating to windows and doors.
- 3.10 A condition could be imposed requiring windows and doors to remain closed during the playing of amplified music at an event. The applicants have provided details of the existing heating, cooling and ventilation system which would allow for windows and doors to remain closed. There is adequate mechanical ventilation to enable doors and windows to remain closed. So as to deter hirers from opening the fire doors on the east (rear elevation) glassrods can be added to the fire doors to prevent people opening them unless its an emergency.
- 3.11 Despite these measures, whilst taking account of the economic and social benefit of the extension of the hours and the potential for noise and disturbance, (as required by the NPPF and the NPPG guidance), it was considered that the proposed blanket approach to hours across a 7 day week would be undesirable for residents and harmful to the level of residential amenity that they would expect to enjoy, particularly as a result of the noise and disturbance that may arise when persons leave the village hall late in the evening whether by car or on foot.
- 3.12 Therefore, the applicants were requested to consider whether the proposed extended hours could be applied to a lesser number of days during the week, as realistically the hall would not be hired out for the full extent of the extended hours sought. In response the applicants have advised that amended hours of use from 7am - Midnight is

required for a Friday, Saturday, Sunday, Bank Holidays, Christmas and New Years Eve. On Mondays to Thursdays 7.30am to 11pm is required. They have commented that 10pm is too early as Parish Council meetings sometimes last that long, as do Gardeners and WI meetings if they have a speaker. Meetings may finish in time but to ensure the building and car park are vacated by 10pm is not practical.

- 3.13 Given the proximity of the village hall to residential properties and the location of the access through the Elmwood Park development account has to be taken of the period of time that is necessary to vacate the hall after the event held has finished. The applicants have confirmed that the terms of hire would state that the hall must be vacated by the latest of the approved hours of use and should not be opened before the earliest of the approved times, and that half an hour prior to the latest closing time all activities should cease and the final 30 minutes should be used for cleaning up to meet the conditions of the terms of hire and ensure the hall is vacated on time. Further details of the management of the hall could be provided subject to a condition which could require a management scheme which could include details of the event management, e.g. when events/activities would finish and the hall would be vacated by (particularly for licensable activities) to ensure finishing in good time before the hall closes to allow orderly departure; signage to be displayed to highlight neighbourly behaviour; speed restriction signage; parking controls and any other measures to be implemented.
- 3.14 Taking into account the comments from the Councils Environmental Health team and comments from the applicants, it is considered that hours of use could be amended to 0730 – 2230 hours Monday to Thursday and 0700 – 2330 hours Friday, Saturday, Sunday and Bank Holiday, with specific hours purposes/duties associated with the holding of local/parliamentary elections on those election days for 0615 hours to 2330 hours. It is accepted that there will then be a period of time to vacate the building after these hours, which would likely not extend beyond half an hour after the latest hours of use.

Other matters

- 3.15 Confirmation has been sought on the maximum capacity of the hall and the applicants advise that they are currently waiting for the results of the Fire Risk assessment, but at present they are working with a figure of 110 persons. A number of third party representations referred to the level of car parking provided. When the original application was considered, the traffic, highways and access arrangements were assessed by Kent Highway Services. There has been no change to the size of the village hall from that approved, and based on the floor space of the hall, the level of parking was considered to be appropriate.
- 3.16 Third parties have also raised the matter of whether a premises licence has been applied for in relation to the consumption of alcohol. The applicants have confirmed that the consumption of alcohol is not permitted on the premises without written permission and that if alcohol is to be sold at any function, then the Bookings Secretary must have sight of the occasional licence (or temporary event notice). As

yet no premises licence has been applied for as it is not the intention of the Hall committee to sell alcohol. Any hires using the hall that want to sell or consume alcohol will be responsible for getting their own licence and they advise that the advice from DDC Licencing is that a licence is not needed from 8am until 11pm. So unless the hours are increased a licence is not needed yet.

- 3.17 Since this is an application to vary a condition on the original planning permission, in the event that members support the officer recommendation, the conditions set out below reflect those imposed on the original permission, as updated to reflect where information has been submitted and approved pursuant to the requirements of the original conditions. It is noted that there remain a couple of conditions that still require the discharge of details. These condition details will be sought under separate cover.
- 3.18 With regard to concerns relating to parking, it is noted that the draft Terms of Hire that has been submitted, refer to the areas within Elmwood Park being solely for the use of local residents and should not be used by Hirers of the Hall.

Conclusion

- 3.19 Having considered this application fully and taken into account all materials considerations, it is recommended that planning permission be granted to vary condition 22 of planning permission DOV/11/00965, but that hours should not be extended to allow for 0700 hours to midnight every day of the week. No justification has been put forward to support this request and in accordance with the aim of planning decisions to secure sustainable development across its economic, social and environmental roles, and taking into account the applicants further comments on hours of use, it is recommended that planning permission be granted to vary the condition to extend the hours of use to those set out in paragraph 3.14, subject to the conditions set out below.

g) **Recommendation**

- I PERMISSION BE GRANTED subject to conditions addressing the following:-
(1) The use of the community building hereby permitted shall operate in accordance with the following hours of use restrictions: 0730 hours to 2230 hours Monday to Thursday and 0700 hours to 2330 hours Friday, Saturday, Sunday and Bank Holidays and 0615 hours to 2330 hours for purposes/duties associated with the holding of local/parliamentary elections on those election days, and the premises shall be fully vacated no later than half an hour after the latest hours of use permitted; (2) Prior to the first use of the community hall for any function finishing later than 2200 hours, a management plan shall be submitted to and approved in writing by the local planning authority detailing measures to be implemented to ensure that noise levels associated with the holding of functions are minimised. Such measures shall include: Arrangements for closing all external hall windows during the playing of amplified music; the fitting of all external fire exit doors with break-glass bolts; the placement of signage at exit doors to advise users to keep noise levels to a minimum; the placement of signage on the access road limiting speeds to 10mph; and arrangements for advising users of the hall that parking and the

dropping-off and picking-up of persons to/from the hall should only take place within the hall grounds and not in Elmwood Park. The hall shall operate in accordance with the measures set out in the approved management plan. (3) Development to be carried out in accordance with the approved plans; (4) Works to the footpath shown on drawing number WOOD DR2 (dated 28 Jan 2013), details of which are to be submitted to and approved in writing by the Local Planning authority pursuant to condition 2 of application DOV/11/00965 shall be carried out in accordance with such details as are approved prior to the first occupation of the development; (5) development shall be carried out in accordance with the approved archaeological brief; (6) development shall be carried out in accordance with the desk top study and associated contaminated land reports approved on 16/07/2015; (7) contamination found during development not previously identified to be reported in writing; (8) Soft and hard landscaping on the residential part of the site shall be carried out in accordance with the details approved on 28/09/2015 and be provided within 12 months of the first use of the development. Details of the proposed soft and hard landscaping to the village hall and car park shall be submitted for approval; (9) Replacement planting to be provided; (10) The use shall not commence until space has been laid out and surfaced for the parking of vehicles and vehicle turning facilities and that space and the vehicular access to it thereafter shall not be used for any purpose other than the parking of vehicles; (11) space for the provision of the parking of four bicycles to serve the new community building, to be submitted. Cycle parking for the residential units shall be provided in accordance with the details approved on 19/06/2015. The use of the community building and the residential units shall not commence until the approved spaces have been laid out and surfaced to serve the respective units; (12) removal of permitted development rights for further development; (13) tree protection measures during construction in accordance with the details approved on 25/09/2015; (14) development to be carried out with the materials approved on 19/06/2015; (15) Joinery details for the windows and doors in accordance with the details approved on 27/08/2015; (16) All rainwater goods shall be Polypipe Elegance OGEE notched, as approved under application DOV/11/00965B; (17) All new meter boxes, vents and flues shall be provided in accordance with the details approved on 25/09/2015; (18) Details of all new means of enclosure to the village hall and car park. All means of enclosures on the residential part of the development shall be provided in accordance with the details approved on 25/09/2015; (19) No external lighting other than that shown on the drawing numbered 676 P30 and approved on 05/06/2015; (20) provision of visibility splays and no obstruction of them after provision; (21) Surface Water Drainage shall be carried out in accordance with the surface water drainage scheme approved on 28/09/2015; (22) Prior to the first occupation of the community building, an equipped play area shall be provided within the site, details of which shall first be submitted to and approved in writing by the Local Planning Authority. The play area shall be implemented and maintained in accordance with the approved plan; (23) Development shall be carried out in accordance with the construction method statement approved on 26/05/2015; (24) The recreational zone (for informal recreation and the provision of play equipment as required by condition 21 of application DOV/11/00965) and the land forming the curtilage of the community facility building, details of which are to be submitted to and approved in writing by the Local Planning Authority pursuant to condition 24 of application DOV/11/00965, shall be provided in accordance with the approved details; (25) management of the landscaped areas shall be carried out in accordance with the management plan approved on 18/08/2015; (26) Works

to hedgerows shall only be undertaken outside the bird nesting season; (27) Sewage and drainage works shall be carried out in accordance with details approved on 28/09/2015; (28) Each private driveway serving properties within the development shall have a bound surface for the first 5 metres; (29) Prior to the first use of the community building details of the plant and ventilation for the community building shall be submitted to and approved in writing by the Local Planning Authority; (30) The works associated with the formation of the access road and the widening of The Street as illustrated on drawing number 553 P56 G, shall be completed prior to the first occupation of any dwelling and the first use of the community facility and shall thereafter be so maintained; (31) Prior to the first occupation of any dwelling, works between that dwelling and the adopted highway shall be completed in accordance with the approved details – footways and footpaths and carriageways; (32) The hedge to the rear boundary of the site (as identified in plan 1208/12/4 submitted under application DOV/11/00965) shall be retained; (33) Railings, walls, fences and other means of enclosure shall be provided in accordance with the details approved on 07/09/2015; (34) Development shall be carried out in accordance with the report – OHES Environmental OHES Project Ref: 7236 in respect of bats approved on 18/06/2015; (35) Surface water run-off to be provided in accordance with the details approved on 26/06/2015.

- II Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions, in line with the issues set out in the recommendation and as resolved by Planning Committee.
- III Informatives: (1) The applicants may need to consider altering premises licence conditions if applicable; (2) It is recommended that break-glass bolts are fitted to the fire doors on the east (rear) elevation of the village hall to the prevent repeated opening by hirers during events.

Case Officer

Fiona Runacre