

Officer Recommendation Report

Site address:

Proposal: Section 73 application for variation of condition 10 attached to PA Ref P/17/2344/2 for erection of new community hall and associated parking, landscaping and community garden.

App No:

P/18/1792/2

Officer: Reddy Nallamilli

Date of Site Visit:

N/A

Date of report 30.10.2018

Date authorised: 5..../...11../2018...

By
JI

Short description of proposal/site.

The application site forms part of an allocated local centre in the Local Plan. The site is currently vacant and surrounded by open space to the eastern boundary and the wider area is predominantly residential in character consisting of two storied modern dwellings.

This is a Section 73 application which seeks to vary a condition following the grant of planning permission granted in March 2018 for the following development;

Erection of new community hall and associated parking, landscaping and community garden as part of the Grange Park Local Centre previously secured under planning permission P/00/2078/2 and reserved matters approval P/09/0233/2.

This permission was subject to a number of conditions which included Condition 10 attached to the decision notice which reads as follows.

10. No public access to the premises shall be allowed other than between the hours of 8.00am and 11.00pm, Monday to Saturday, and the premises shall not open on 8.30am and 10.00pm Sundays or recognised Bank Holidays.

REASON: The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

The applicants agent has requesting that the planning condition be varied as follows;

"No public access shall be allowed other than between the hours of 8.00am and 11.00pm, Monday to Saturday and 0830am and 10.00pm Sundays or recognized Bank Holidays"

List of Relevant Development Plan policies:

Charnwood Local Plan 2011-2028 Core Strategy

Policy CS2 – High Quality Design – requires new developments to respect and enhance the character of the area;

Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies)

Policy EV/1 – Design - seeks to ensure a high standard of design for developments

NPPF and PPG technical guidance, SPD, SPG, VDS, Cons AA etc.

National Planning Policy Framework (NPPF) July 2018

The revised NPPF reconfirms the presumption in favour of sustainable development and that it needs to be pursued in a positive way. Planning decisions are required to play an active role in guiding development towards sustainable development.

Supplementary Planning Document Leading In Design

This document seeks to encourage, promote and inspire higher design standards in new development and protect amenity.

Relevant Planning History

P/17/2344/2 Planning permission granted for new community hall and associated parking, landscaping and community garden as part of the Grange Park Local Centre previously secured under planning permission P/00/2078/2 and reserved matters approval P09/0233/2. Granted March 2018.

Any comments received

Nearby occupiers notified and press and site notice displayed. 7 letters of objection have been received from residents of Knox Rd, Boyle Drive, Allendale Rd and John Tiltman Drive. These objections can be summarised as follows;

- proposal would adversely impact on local amenity by reason of noise, disturbance, light spillage, an increase in vehicles and anti-social behaviour at a time and days of operation when residents would expect some natural peace and quiet;
- proposal is dividing the local community;

2 separate letters of representation have also been received seeking further information on the submitted application.

Key material planning consideration

It is considered that the key issue relating to this proposal is;

- the impact on the amenities of neighbouring residential occupiers

Consideration and Recommendation:

Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition(s) previously imposed on a planning permission. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can decide that the original condition should continue. A section 73 application can only be made if the time within which the development was required to begin has not expired without the development commencing.

Impact on Amenity

During the consideration of the scheme in March 2018, the applicants did not submit any details of the proposed operational hours and an hours of use condition was attached. This was considered reasonable to control the impact of the proposal externally. The concerns of the local residents have been noted. However the hours of use proposed were considered and approved by the Plans Committee.

The principle reason for amending the current condition is that the original hours of use condition had been incorrectly worded on the decision notice and this application is seeking to address this deficiency. The revised condition would permit the community hall to operate up to 23.00 hours on Mondays to Saturdays and on Sundays and Bank Holidays up to 22.00 hours.

Notwithstanding the concerns raised by nearby residents, the hours of use proposed are considered reasonable. The hall is detached away from residential dwellings. Adequate separation distances exist. Conditions are recommended that to ensure the building is acoustically treated and no amplified music is provided. Saved Policy EV/1 and Policy CS2 of the adopted Core Strategy seek to protect residential amenity. This proposal would not conflict with these objectives.

Conclusion

The hours of use applied for are considered acceptable and approval is recommended.

Recommendation:

Grant Conditionally