

15 DCCE2007/0443/F - VARIATION TO CONDITION 3 OF DCCE2006/2739/F - TO EXTEND OPENING HOURS FROM 11PM TO MIDNIGHT AT RILEYS SNOOKER & POOL CLUB (FORMER) JOB CENTRE , BATH STREET, HEREFORD, HEREFORDSHIRE, HR1 2LG

For: Rileys Ltd. per JWPC Ltd., 1 The Quadrangle, Banbury Road, Woodstock, Oxon., OX20 1LH

Date Received: 13th February, 2007

Ward: Central

Grid Ref: 51429, 39904

Expiry Date: 10th April, 2007

Local Member: Councillor D.J. Fleet

1. Site Description and Proposal

- 1.1 The building is currently vacant but was most recently used as a Job Centre and is located on the eastern side of Bath Street opposite the junction to Gaol Street Car Park. Immediately to the north are existing semi-detached properties and to the east (rear) is St. Owens Adult Training Centre and to the south are Council offices.
- 1.2 The site lies within Hereford City Conservation Area, is designated an Area of Archaeological Importance and lies opposite the former City Wall which is a Scheduled Ancient Monument. The site and surrounding area is also designated within the Herefordshire Unitary Development Plan as being an Established Residential Area.
- 1.3 Planning permission was approved on the 18th October, 2006 for a change of use of the premise to a members only snooker and pool club. Condition 3 of the planning permission requires that the use shall not be open to customers between the hours of 11 p.m. and 8 a.m. daily. The reason being in the interests of amenities of existing residential properties in the locality. Planning permission is now sought to vary this condition to enable the premise to remain open until midnight, this being to extend the existing permitted opening hours by one hour.

2. Policies

2.1 Planning Policy Guidance:

PPG24 - Planning and Noise

2.2 Herefordshire Unitary Development Plan 2007:

Policy S1 - Sustainable Development
Policy S2 - Development Requirements
Policy S5 - Town Centres and Retail
Policy DR1 - Design
Policy DR2 - Land Use and Activity
Policy DR13 - Noise
Policy TCR1 - Central Shopping and Commercial Areas

Policy TCR2	-	Vitality and Viability
Policy TCR9	-	Large Scale Retail and Leisure Development Outside Central Shopping and Commercial Areas

3. Planning History

- 3.1 DCCE2006/2739/F Change of use to members snooker and pool club. Planning permission approved 18th October, 2006.

4. Consultation Summary

Statutory Consultations

- 4.1 West Mercia Constabulary: No comments received.

Internal Council Advice

- 4.2 Traffic Manager: No objection.
- 4.3 Conservation Manager: No objection.
- 4.4 Head of Environmental Health & Trading Standards: I can advise that it is my opinion that the extension in opening times will not have a significant impact on the amenity of neighbours. However, should an unacceptable situation occur controls are available through the licensing regime and also if noise nuisance is caused by activities on the premises, powers as prescribed by the Environmental Protection Act 1990 are available to the Council. I therefore have no objection.

5. Representations

- 5.1 Hereford City Council: Recommend the application be refused until evidence of appropriate operation has been established.
- 5.2 Two letters of objection have been received to date. The main points raised are:
- The time of 11 p.m is sufficient for the needs of the club.
 - There will already be an increase in noise from people and vehicles leaving the club at 11 p.m., the proposed extension of hours would exacerbate the situation making life very unpleasant for local residents seven nights a week.

The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 Planning permission was approved in October last year for the use of the premise as a snooker and pool club and therefore the principle of the use is now established. The issue is whether the extension of opening hours from 23:00 until midnight would result in an unacceptable impact on the amenity of nearby residents.

- 6.2 The applicants originally requested that the club remain open 24 hours a day, 7 days a week. Given the close proximity of existing residential properties, this was considered unacceptable and the hours of 8 a.m. to midnight were agreed with the applicants and recommended as a condition. This was subsequently amended following debate at Committee to a requirement that the premise closed at 23:00.
- 6.3 It is acknowledged that background noise levels are likely to be less than other parts of the city where public houses, takeaways and leisure uses exist and therefore there is the need for some restriction on opening hours. However, the site lies adjacent to a busy road where some noise, primarily from traffic will exist even later on in the evening. Planning Policy Guidance Note 24 relating to 'Planning and Noise' (PPG24) stipulate two different time periods for the assessment of noise, 0700 to 2300 and 2300 to 0700. A lower level of noise exposure can reasonably be expected between the hours of 2300 and 0700. PPG24 does not, however, stipulate that the operation of a commercial/leisure use beyond the hours of 2300 is in principle unacceptable, even where a premise lies within close proximity to existing residential properties.
- 6.4 In this situation, the main activity is the playing of snooker and pool in a relatively subdued environment with access restricted to members only. The only potential source of noise is likely to be from patrons leaving the premises as parking is prohibited along the site frontage by double yellow lines and chevrons. Therefore, given the location of the site adjacent to a busy road, the extension of the opening hours as requested, is not considered unacceptable in principle. This view is supported by Environmental Health who raise no objection. Nevertheless, no on-site noise assessment has been provided in support of the application and furthermore, the use is not yet operational. It is therefore considered reasonable for this planning permission to be temporary for a period of 12 months to allow a trial period enabling the situation to be monitored. Subject to this, the proposal is considered acceptable.

RECOMMENDATION

Subject to no further objections raising additional material planning considerations by the end of the consultation period, the Officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by Officers:

1. **E04 (Restriction on hours of opening 08:00 – 24:00).**

Reason: To safeguard the amenities of the locality.

2. **E20 (Temporary permission).**

Reason: To enable the local planning authority to give further consideration of the acceptability of the proposed use after the temporary period has expired.

3. **A10 (Amendment to existing permission).**

Informatives:

1. **N19 (Avoidance of doubt).**
2. **N15 (Reason(s) for the Grant of PP/LBC/CAC).**

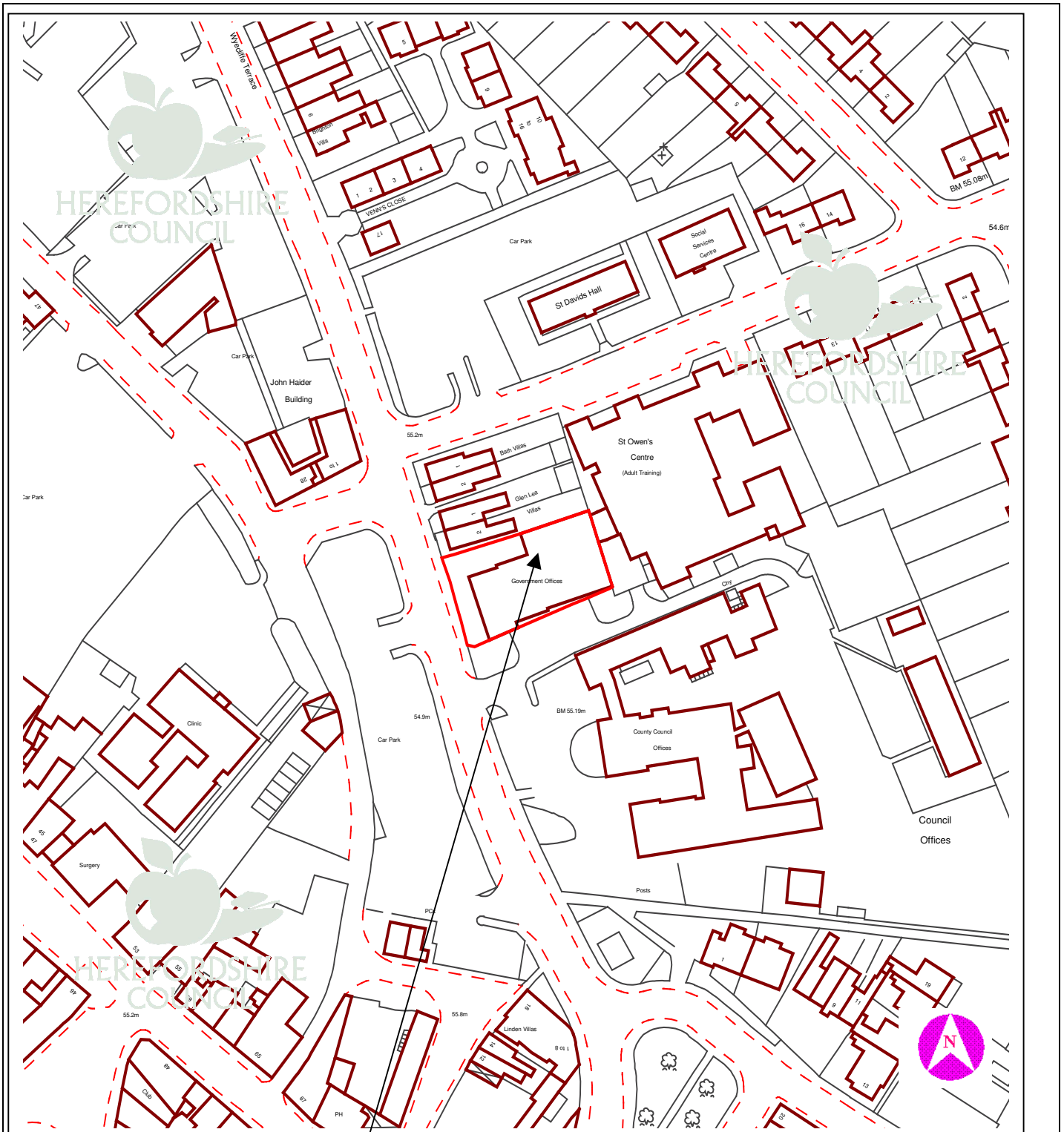
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/0443/F

SCALE : 1 : 1250

SITE ADDRESS : Rileys Snooker & Pool Club (Former) Job Centre, Bath Street, Hereford, Herefordshire, HR1 2LG

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