

DCNW2004/2307/F - TO CONTINUE THE VARIATION GRANTED LAST YEAR PLANNING PERMISSION NW2002/3646/F FOR OPENING HOURS MONDAY TO THURSDAY FROM 0700 TO 2200 AND SATURDAY 0700 TO 1800. FRIDAY AND SUNDAY NO CHANGE AT TEME VALLEY YOUTH PROJECT, KINGS MEADOW, WIGMORE, LEOMINSTER, HEREFORDSHIRE, HR6 9UX

For: Teme Valley Youth Project Ltd.

Date Received:

21st June 2004

Ward:

Mortimer

Grid Ref:

41750, 68604

Expiry Date:

16th August 2004

Local Member: Councillor Mrs L.O. Barnett

1. Site Description and Proposal

- 1.1 The Teme Valley Youth Project (TVYP) is located in a purpose-built, modern building on the north-east side of the A4110 and the south-east outskirts of the village of Wigmore. The building is located in close proximity to the Kings Meadow housing estate and an isolated property known as Pear Tree Farm to the south.
- 1.2 The existing building and associated works were allowed on appeal, pursuant to Application No. 98/0046/N. In determining the appeal, the Inspector attached the following condition:
- The premises shall not be open for use outside the following hours:
- 0700 - 1800 hours Mondays to Fridays
0700 - 1300 hours Saturdays, nor at any time on Sundays or Bank Holidays
- 1.3 Subsequently, on 19th December, 2001, Northern Area Planning Sub-Committee allowed a temporary one-year variation of this condition to enable the use of the facility until 2200 hours Monday to Wednesday and until 1800 hours on Saturdays.
- 1.4 This was subsequently re-considered on 25th June, 2003, pursuant to Application No. NW2002/3646/F, which sought to continue the already approved hours and to allow the facility to be open until 2200 hours on Thursdays. The existing and additional hours were granted permission for a further year, which expired on 25th June, 2004.
- 1.5 This application, which was received by the Local Planning Authority prior to the expiration date, seeks to continue the temporarily approved hours and requests that these be granted on a permanent basis.
- 1.6 In essence, permission is sought to allow the TVYP building to be used on Mondays - Thursdays from 0700 - 2200 hours and on Fridays and Saturdays from 0700 - 1800 hours. The use of the building would still be precluded on Sundays and Bank Holidays.

2. Policies

Leominster District Local Plan (Herefordshire)

Policy A1 - Managing the District's Assets and Resources
Policy A54 - Protection of Residential Amenity
Policy A61 - Community, Social and Recreational Facilities

Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S2 - Development Requirements
Policy DR2 - Land Use and Activity
Policy CF5 - New Community Facilities

3. Planning History

97/0673/N - Resource Centre for locally based young persons, comprising 6 No. workshops, training, education and social facilities, together with 7 No. accommodation units and landscaping works.

Refused: 9th December, 1997.

98/0046/N - Resource Centre for locally based persons, comprising workshops (6 No.) training, educational and social facilities, together with parking and landscaping works.

Refused: 10th March, 1998. Allowed on Appeal: 4th August, 1998.

NW2001/2799 - Variation of Condition 7 of Planning Permission 98/0046/N to extend opening hours for 12 months.

Approved: 19th December, 2001.

NW2002/3646/F - Continue variation granted by NW2001/2799/F and request additional hours from 0700 - 1200 hours on Thursdays.

Approved for a further one-year period: 25th June, 2003.

4. Consultation Summary

Statutory Consultations

4.1 No statutory consultations

Internal Council Advice

4.2 Head of Environmental Health and Trading Standards comments as follows:-

"The Environmental Health Department has received a couple of complaints regarding noise from music from people sat in their cars at the car park at these premises. These issues have now been dealt with and no further complaints have been received. It should be borne in mind that the Environmental Health Department has powers under the Environmental Protection Act 1990 to deal with statutory noise nuisance should it arise."

4.3 Head of Engineering and Transportation raises no objection to the grant of planning permission

5. Representations

5.1 One letter of objection has been received from Jill Fieldhouse and Steve Dawson of Pear Tree Farm, Wigmore, raising the following concerns/comments:

-no objection to the continuation of the extension of hours to 2200 on Monday, Tuesdays and Wednesdays. Noise is experienced on some nights, particularly during the summer when windows are open and activities spill out into the garden. However, organisers have sought to move live music activities into another room and generally try to tone it down.

-we do object to hours being extended on Thursday and Saturday in particular. Thursdays and Saturdays seldom used. If summer youth events were to extend into Saturday afternoons, this would ruin summer weekends for ourselves and our guests.

5.2 Wigmore Parish Council - comments are awaited (consultation period expired 3rd August, 2004)

5.3 One letter of support received from Chairman of the Hereford Hospitals NHS Trust, commenting on the importance of this valuable and worthwhile project.

5.4 A signed petition with some 43 signatories, supporting the permanent continuation of hours as proposed has been received.

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

6. Officers Appraisal

6.1 In planning policy terms, the key consideration in the determination of this application is the impact of the continuation of the temporarily approved hours on the living conditions of local residents.

6.2 In common with the previous application, there is a general acceptance of the hours operated on Mondays to Wednesdays, but continuing opposition to permanent extension to 2200 hours on Thursday and 1800 hours on Saturday. The use on Saturday being of particular concern to the residents of Pear Tree Farm, who raise

concerns about noise during summer weekends and the effect on their living conditions and those of their B & B guests.

- 6.3 These strongly held views must be balanced against the need for the TVYP and the services it provides to remain accessible. Evidence of the continuing expansion of youth activities has been provided, including the Teme Valley Youth Group, who have regular sessions on Mondays, Wednesdays and Thursdays; learning-based activities involving access to computers, first aid courses and learning to drive; and community-based use, including Teme Valley Young Farmers, the Mortimer Country Consortium and the Wigmore Baby and Toddler Group. It is indicated that this increasing range of activities and users have been making regular use of the facility throughout the week.
- 6.4 Furthermore, although several complaints have been received by the Environmental Health Department, the Head of Environmental Health and Trading Standards does not raise a specific objection to continuation of the current hours. It is suggested that, notwithstanding this, if a statutory nuisance does arise, there are powers under the Environmental Protection Act, 1990, to deal with such instances. These would continue to protect neighbours from unacceptable nuisance, both during and outside the proposed hours.
- 6.5 Whilst acknowledging the continuing concerns of the occupiers of Pear Tree Farm, the fundamental test in planning terms is whether the continuing use of the facilities for the hours requested would result in demonstrable harm to amenity. Having reviewed the temporary arrangements approved so far and, in recognition of the advice of the Head of Environmental Health and Trading Standards, it is considered acceptable to recommend that the use of the facility until 2200 hours on Monday to Thursday and until 1800 hours on Saturday is made permanent.

RECOMMENDATION

That planning permission be granted subject to the following condition:

- 1. That Condition 7 of permission 98/0046/N, issued on 4th August, 1998, be deleted and replaced by the following new condition:-**

1. The premises shall not be open for use outside the following hours:

**0700 - 2200 on Mondays, Tuesdays, Wednesdays and Thursdays
0700 - 1800 on Fridays and Saturdays and at no time on Sundays or Bank Holidays**

Reason: In the interests of the amenities of local residents

Decision:

Notes:

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Internal departmental consultation replies.