

**Committee Report
Planning Committee on 13 January, 2010**

Case No. 09/3072

RECEIVED: 16 September, 2009

WARD: Kenton

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: John Billam Pavilion, Woodcock Hill, Harrow, HA3 0PQ

PROPOSAL: Variation of condition 1 to allow the activities within the building to be permitted between the hours of 0800 - 2230 Sundays to Thursdays and between the hours of 0800 - 2330 Fridays and Saturdays with the premises cleared within 30 minutes after these times on a permanent basis and in the case of the following events for the activities within the building to be permitted between the hours of 0800 - 0030, vacated by 0100 hours on a permanent basis:

- New Year's Eve celebration;
- Valentine's Day celebrations on the Friday and Saturday in the weekend immediately prior to and after St. Valentine's Day (14th February);
- Diwali celebrations on the Friday and Saturday in the weekend immediately prior to and after Diwali;
- Navratri celebrations on the Friday and Saturday in one or both weekends falling in the nine-day festival;
- Christmas celebrations on the Friday and Saturday in the weekend immediately prior to and after Christmas Day (25th December)
- the Saturday falling in a Bank Holiday weekend

APPLICANT: Kenton Hall

CONTACT:

PLAN NO'S: N/A

RECOMMENDATION

Approval

EXISTING

The site consists of the former John Billam Sports Centre with associated entrance and access road. The site extends further to include a 5.0m radius around the building itself and encompasses the ex-tennis courts adjacent to the access road. The site is managed by the community group, Gujarati Arya Association (GAA).

The site is accessed off Woodcock Hill and faces extensive playing fields to the west that are under the ownership and management of Brent Parks Service. To the immediate south/ rear of the building is the Tenterden Sports Ground that is separated by a hedgerow and has independent access from Preston Road. To the immediate east lies Silverholme Close, a grouping of 40 elderly persons' flats. The access road from Woodcock Hill will also continue to provide access to the Tenterden Close Allotments, Scout Hut and Parks Service Depot and associated car-park hardstanding.

PROPOSAL

Variation of condition 1 to allow the activities within the building to be permitted between the hours of 0800 - 2230 Sundays to Thursdays and between the hours of 0800 - 2330 Fridays and Saturdays with the premises cleared within 30 minutes after these times on a permanent basis and in the case of the following events for the activities within the building to be permitted between the hours of 0800 - 0030, vacated by 0100 hours on a permanent basis:

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the Saturday falling in a Bank Holiday weekend

HISTORY

08/0825: Planning permission is sought for the variation of 3 conditions limiting the hours of use and restricting the maximum attendance at the John Billam community building imposed by planning permission 06/3398, dated 14/02/2007 (as per e-mail from applicant dated 06/05/2008) - Granted, 08/10/2008.

06/3398: Variation of condition 7 (relating to hours of use) of full planning permission 06/1337 dated 28/07/2006 which amended conditions 11 and 12 of planning permissions no. 02/2671 and 03/2865 (limiting the attendance of community premises enlarged by the erection of first-floor and single-storey rear extensions, internal and external modifications and change of use to include Use Class D1 (D2 Existing) (as revised 27/06/2006) - Granted, 14/02/2007.

06/3166: Details pursuant to condition 15 (Green Travel Plan) of full planning Permission reference 06/1337 - Granted, 21/12/2006.

06/2734: Details pursuant to condition 16 (management plan), being a condition of planning permission references 02/2671, 03/2865 and 06/1337 - Granted, 22/11/2006.

06/2730: Details pursuant to condition 3(b) details of car park, (c) overspill car park, (d) surfacing materials, (e) disabled parking, (f) loading and unloading, (g) refuse-collection, (h) lighting, (i) screening and condition 4(a) (siting and design of signs) of planning permission references 02/2671, 03/2865 and 06/1337 - Granted, 01/11/2006.

06/2707: Details pursuant to condition 3 (a) (landscaping) of full planning permission reference 06/1337 dated 28 July 2006 - Granted, 05/12/2006.

06/1337: Amendment to conditions 11 and 12 (limiting the number of "peak" events in which between 150 and 350 persons can occupy the premises to 15 days per annum) and consequently to conditions no. 3 and 16, being conditions of planning permission reference 02/2671 and 03/2865 for erection of first-floor and single-storey rear extensions, internal and external modifications and change of use to include Use Class D1 (D2 Existing) (as revised 27/06/06) - Granted, 28/07/2006.

03/3721: Details pursuant to condition 9 (materials) of planning reference 03/2865 - Granted. 29/03/2004.

03/2865: Erection of first-floor and single-storey rear extensions, internal and external modifications and change of use to include Use Class D1 (D2 Existing) - Granted, 14/11/2003.

02/2671: Erection of first-floor and single-storey rear extensions, internal and external modifications and change of use to include Use Class D1 (D2 Existing) - Granted, 09/05/2003.

POLICY CONSIDERATIONS

Brent's Adopted UDP 2004

Strategic

STR35 – The Council will seek to improve the Borough's public open space, sports and leisure facilities.

STR37 – The Council will encourage the provision of accessible community facilities that meet the needs of the Borough's diverse multi-cultural population.

Environmental Quality

BE2 - Proposals should be designed with regard to their local context and character.

Transport

TRN22 – Parking standards for non-residential developments.

Parking Standards

PS10- Assembly and Leisure (Use Class D2)

PS12- Non-Residential Institutions (Use Class D1)

PS16 – Cycle Parking Standards

Open Space and Recreation

OS4 - The open frontages identified on the proposals map (John Billam Playing Fields) will be protected and enhanced.

OS8 - Protection of Sports Grounds.

OS9 – Dual use of open space.

Community Facilities

CF4 – Community facilities capable of holding functions.

Central Government Guidance

PPG17: Planning for Open Space, Sport and Recreation

CONSULTATION

Consultation Period: 22/09/2009 -13/10/2009

Reconsultation: 02/12/2009 - 23/12/2009

Public consultation

122 neighbours consulted - 12 letters of objection received on the following grounds:

- Extension of hours for special events should be restricted to one weekend either before or after the event rather than both of these weekends.

- Some of the larger events, such as Navrati, where the car park has been full and vehicles have had to park on the surrounding residential streets, including Woodcock Hill and Silverholme Close leading to traffic congestion.
- Need for another temporary consent for Preston Amenities Protection Association (PAPA) and Tenterden Local Action (TLA) to monitor and evaluate the events given the close proximity of the hall to Silverholme Close.
- Windows and doors left open and the sound of the music from the hall can be heard inside the properties on Woodcock Hill.
- Noise and disturbance from vehicles leaving the site at later hours of the day.
- Alcohol being served at the hall could lead to drunk people on the street causing disturbance in the later hours of the day.
- The hall is increasingly being used as a commercial premises rather than community one.
- Events being allowed with increased hours would lead to noise and disturbance to residents of Silverholme Close.
- Festivals such as Divali will involve the use of fireworks which would disturb local residents.
- Noise and disturbance from cars travelling within the gravel car park.
- The car park is supervised on arrival but not when people are leaving the hall.
- Rubbish within the wheelie bins often overflow leading to vermin such as rats.

Internal Consultation

Environmental Health - no objections raised to the extension of hours.

Transportation - no objections raised.

External Consultation

Silverholme Housing Association - objections raised with noise problems that are being created when the events are over and people are returning to their cars - doors banging, engines revving, shouting and the cars over gravel standing. The noise is disturbing the residents of Silverholme Close.

REMARKS

Background

As a long established sports centre/ club house there have been previously no planning restrictions on the hours when the building could be used. The planning permission granted in 2002 for the extensions which have been built to the premises restricted the hours of use for the first time and were introduced because of the potential disruption to residential amenity.

Previous application for increased hours of use

Members may be aware that a similar application to what is currently being considered was approved by the planning committee on 07/10/2008 for increased hours of use on Fridays and Saturdays and on special events for a period of one year (LPA Ref: 08/0825). A temporary consent was granted to enable the Local Planning Authority to review the impact of the extended hours during a limited period. This was due to concerns from residents and representatives of PAPA in relation to noise nuisance arising from music audible from late night functions within the hall and from noise nuisance in the car park when events have finished. Concerns were also raised with breaches in the planning conditions, namely breaches in hours of use and management arrangements.

The application also granted planning permission to increase the maximum number of people at the hall from 350 to 400 persons.

Planning application 08/0825 was granted subject to conditions including a reviewed management plan and travel plan.

Current application

This application seeks permission to continue operating with the increased hours of use that were granted as part of planning application ref: 08/0825. The details of which are provided below:

Allow the activities within the building to be permitted on Fridays and Saturdays between the hours of 0800 - 2330 with the premises cleared within 30 minutes after these times.

In the case of the following events for the activities within the building to be permitted between the hours of 0800 - 0030 with the premises cleared within 30 minutes of these times:

- New Year's Eve celebration;
- Valentine's Day celebrations on the Friday and Saturday in the weekend immediately prior to and after St. Valentine's Day (14th February);
- Diwali celebrations on the Friday and Saturday in the weekend immediately prior to and after Diwali;
- Navratri celebrations on the Friday and Saturday in one or both weekends falling in the nine-day festival;
- Christmas celebrations on the Friday and Saturday in the weekend immediately prior to and after Christmas Day (25th December)
- the Saturday falling in a Bank Holiday weekend

The applicants were seeking the above variation in hours of use on a permanent basis but due to a number of complaints being received from residents and outstanding conditions not being discharged your officers recommend that a temporary consent is granted. This is expanded upon below.

Nature of events that have taken place over the past year

The GAA have provided a log of all of the events that have taken place over the past year. The log forms part of their management plan and provides details of number of attendees, arrival and departure times, number of vehicles in the car parks and reports of any incidents that may of taken place.

Over the past year there have been 63 "peak events" accounting to approximately 5 events per month. These events are when there are more than 100 individual in the hall and the events are required to be operated in accordance with the management and green travel plans. 27% of these events were weddings/engagements parties; 21% accounted for other religious events; 9% accounted for other functions; and 6% were funeral dinners.

18 of the events (29%) made use of the extended hours, i.e. they finished after 2230 hours.

Complaints received from local residents

Whilst the current application has not received such a large number of objections as received during the course of the previous application, a reasonable number of objections have been received. These objections primarily relate to noise nuisance arising from music audible from late night functions within the hall, noise nuisance in the car park when events have finished and vehicles parking on Woodcock Hill leading to congestion.

Your officers in Environmental Health have advised that they have received few complaints over the past year and when complaints have been received have been investigated by council officers but were not substantiated as a potential statutory nuisance.

In response to these concerns, GAA have provided a log of all of the events that have taken place in the hall over the past year. This log forms part of their management plan and provides details of number of attendees, arrival and departure times, number of vehicles in the car parks and reports of any incidents that may of taken place. This is a comprehensive log and provides evidence to suggest that the management arrangements have improved over the past year. The view of which is generally supported by PAPA.

Some of the incidents reported by the objectors have been accounted for in the log, as an example, during the 8th day of the Navratri Festival an unexpected high number of guests attended resulting in the car parks being full. The Tenterden car park was closed which led to vehicles parking on Woodcock Hill. Such incidents are rare and based on the information provided in the log, the car parks on site are sufficient to accommodate the number of vehicles that turn up for the peak events, i.e. when 100 people or more attend. The existing travel plan promotes the use of car sharing and visitors are directed to the Tenterden Car Park when the on site car parks are full.

The other objections relate to noise nuisance arising from music audible from late night functions within the hall and noise nuisance in the car park when events have finished. In response to the first of these concerns relating to music audible from late night functions, the GAA have advised that as the hall has air conditioning the doors and windows of the hall are kept closed during the functions. If people do wish to go outside, for example to smoke, stewards are present to manage any noise incidents. There is also a planning condition which required details of sound insulation within the hall. The second of these concerns relating to noise in the car park when events have finished is more difficult to control. Whilst the GAA are including measures to minimise disturbance, i.e. having stewards within the car park to discourage people from congregating outside when leaving the hall and stopping people from beeping their car horns, the proximity of the overflow car park to Silverholme Close does lead to some disturbance through the sound of car doors shutting, engines noises and cars travelling along the gravel access road. The car park layout approved as part of application ref: 06/2732 has not able to be implemented to date.

Conditions

In light of the above, your officers consider it necessary to attached conditions requiring a revised management plan and green travel plan, in order to protect the amenity of neighbouring occupants. In addition your officers propose that planning permission be granted on a temporary basis. This is to monitor and review the existing arrangements given the increased hours of use that are proposed.

It is also recommended that a condition is attached to ensure details of the sound insulation and ventilation system that have been installed within the hall meet the required standard, with remediation measures if the insulation and ventilation details are found to be substandard.

Finally, a condition is recommended to secure details of the times for public/community access to the main hall as the increased hours of use could affect public/community access.

In light of historic difficulties in satisfying planning conditions, your officers recommend that the above information is submitted within two months of the date of the approval. Furthermore, your officers will ensure that GAA are aware that any outstanding conditions from earlier planning permissions will need to be satisfied within three months of the decision notice. Failure to do so could result in enforcement action.

Conclusions

In conclusion, whilst the evidence indicates that the management arrangements have improved over the past year, there are still incidents of noise nuisance. Your officers therefore recommend

that a further temporary consent is granted subject to conditions to address the concerns of local residents, for a period of two years to allow the management arrangements to be fully embedded. PAPA are in support of a two year period which will allow them to monitor the events over the next two years before a final decision is made on the extension of the operating hours on a permanent basis. The two year consent will provide the GAA with enough flexibility to operate in a manner which meets their needs and the needs of the wider community.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

(1) The proposed development is in general accordance with policies contained in the:-

Brent Unitary Development Plan 2004

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment

Environmental Protection: in terms of protecting specific features of the environment and protecting the public

Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation

Transport: in terms of sustainability, safety and servicing needs

Community Facilities: in terms of meeting the demand for community services

CONDITIONS/REASONS:

(1) The activities within the building shall be permitted between the hours of 0800 - 2230 Sundays to Thursdays and 0800 - 2300 Fridays and Saturdays, with the premises cleared within 30 minutes after these times and at no other times without the consent in writing of the Local Planning Authority.

Reason: To ensure that the proposed use does not prejudice the enjoyment by neighbouring occupiers of their properties.

(2) Notwithstanding the provisions of condition 1, the activities within the building shall be permitted between the hours of 0800 - 2330 Fridays and Saturdays with the premises cleared within 30 minutes after these times. These extended hours shall be for a limited period of two years only, from the date of the decision notice when (unless a further application has been submitted to and approved in writing by the Local Planning Authority) the extended hours of opening hereby approved shall be discontinued.

Reason: To enable the Local Planning Authority to review the position in the light of the impact of this use during a limited period.

(3) Notwithstanding the provisions of condition 1, the activities within the building shall be permitted between the hours of 0800 - 0030, vacated by 0100 hours for the following events:-

- Christmas celebrations on the Friday and Saturday in the weekend immediately prior to and after Christmas Day (25th December)
- New Year's Eve celebration;
- Valentine's Day celebrations on the Friday and Saturday in the weekend immediately prior to and after St. Valentine's Day (14th February);

- Divali celebrations on the Friday and Saturday in the weekend immediately prior to and after Divali;
- Navratri celebrations on the Friday and Saturday in one or both weekends falling in the nine-day festival;
- the Saturday falling in a Bank Holiday weekend

These extended hours shall be for a limited period of two years only, from the date of the decision notice when (unless a further application has been submitted to and approved in writing by the Local Planning Authority) the extended hours of opening hereby approved shall be discontinued.

Reason: To enable the Local Planning Authority to review the position in the light of the impact of this use during a limited period.

- (4) The whole or any part of the Community Centre shall not be used/occupied by more than 400 persons (including staff) at any one time on any given day of the week, Sundays to Saturdays inclusive, without the further prior written consent of the Local Planning Authority.

Reason: To ensure that the proposed development/use does not prejudice the enjoyment of the occupiers of neighbouring properties.

- (5) In the case of "peak events" when more than 100 individuals, and up to 400 persons (including staff and visitors) attend the community centre (excluding the changing rooms) at any one time, the use of the centre shall not take place other than in accordance with an approved Management Plan or Green Travel Plan as set out in Conditions 6 and 7 below.

Reason: To enable the Local Planning Authority to review the position in the light of the impact of this use by the number of persons in attendance and to ensure that the proposed use does not prejudice the enjoyment by neighbouring occupiers of their properties.

- (6) Notwithstanding any Management Plan or Green Travel Plan which has been approved by the Council, a revised Management Plan and Green Travel Plan to include 400 persons shall be submitted to the Local Planning Authority within two months of the date of this permission. The extension in the hours of use approved as part of this application shall not operate until the revised Management Plan and Green Travel Plan have been approved by the Local Planning Authority and the development thereafter shall only be used or occupied in compliance with the plans so approved.

Reason: To ensure satisfactory management of the parking and that the proposed development does not prejudice the enjoyment of neighbouring occupiers in the area.

- (7) The Management Plan shall set out and include details of the arrangements for its monitoring and implementation, the responsibility of which will rest with the developer/occupier. The plan shall include details of a system for reporting the monitoring information to the Local Planning Authority for reviewing/comment and approval. The plan shall contain details relating to the long-term objectives and management responsibilities for controlling the usage of the development, including details of the arrangements/management of the matters listed below and, to ensure that the maximum occupancy numbers, controlled by other conditions of this consent, are not exceeded:
- (a) concurrent lettings and usage of the various parts of/rooms in the development.

- (b) demonstration of how in practice the on-site parking facilities can be laid out to meet the requirements and demands for car and coach pick-ups and drop-offs, and/or parking, deliveries, loading and unloading in connection with the use of the development; and
- (c) arrangements for the uses set out in condition no. 5 where the number of persons using/occupying the development will exceed 100, which shall include details of the following matters:
 - stewarding of the pedestrian and vehicular traffic in particular at the times of arrival and departure from the site; and
 - crowd and visitor control.

Reason: To ensure that the usage of the development is appropriately controlled and that the maximum occupancy numbers controlled by other conditions of this consent are not exceeded to the detriment of residential amenities and highway safety in the local area.

- (8) Details of the times for public/community access to the main hall shall be submitted to and approved in writing by the Local Planning Authority within two months of the date of this permission. The extension in the hours of use approved as part of this application shall not operate the above information has been approved by the Local Planning Authority and the development thereafter shall only be used or occupied in compliance with the plans so approved (save as varied in accordance with the Council's agreement in writing).

Reason: To ensure community/dual use of the accommodation on site.

- (9) No music, public-address system or any other amplified sound shall be audible at any boundary of the Community Centre, which, for clarification, includes the residential boundary of the service road and the boundary of the car-parking areas.

Reason: To safeguard the amenities of the adjoining occupiers and users of land.

- (10) Details of the existing sound-insulation and ventilation of the premises together with remediation measures should the existing ones be found to be substandard shall be submitted to the Local Planning Authority within two months of the date of this permission. The extension in the hours of use approved as part of this application shall not operate until the sound-insulation and ventilation of the premises have been approved by the Local Planning Authority and the development thereafter shall only be used or occupied in compliance with the plans so approved.

Reason: To safeguard the amenities of the adjoining occupiers and users of land.

INFORMATIVES:

- (1) Officers invite GAA to meet to discuss timetable and information required to satisfy the above conditions and all relevant outstanding conditions from earlier planning permissions.

REFERENCE DOCUMENTS:

Letters of objection

Brent's UDP 2004

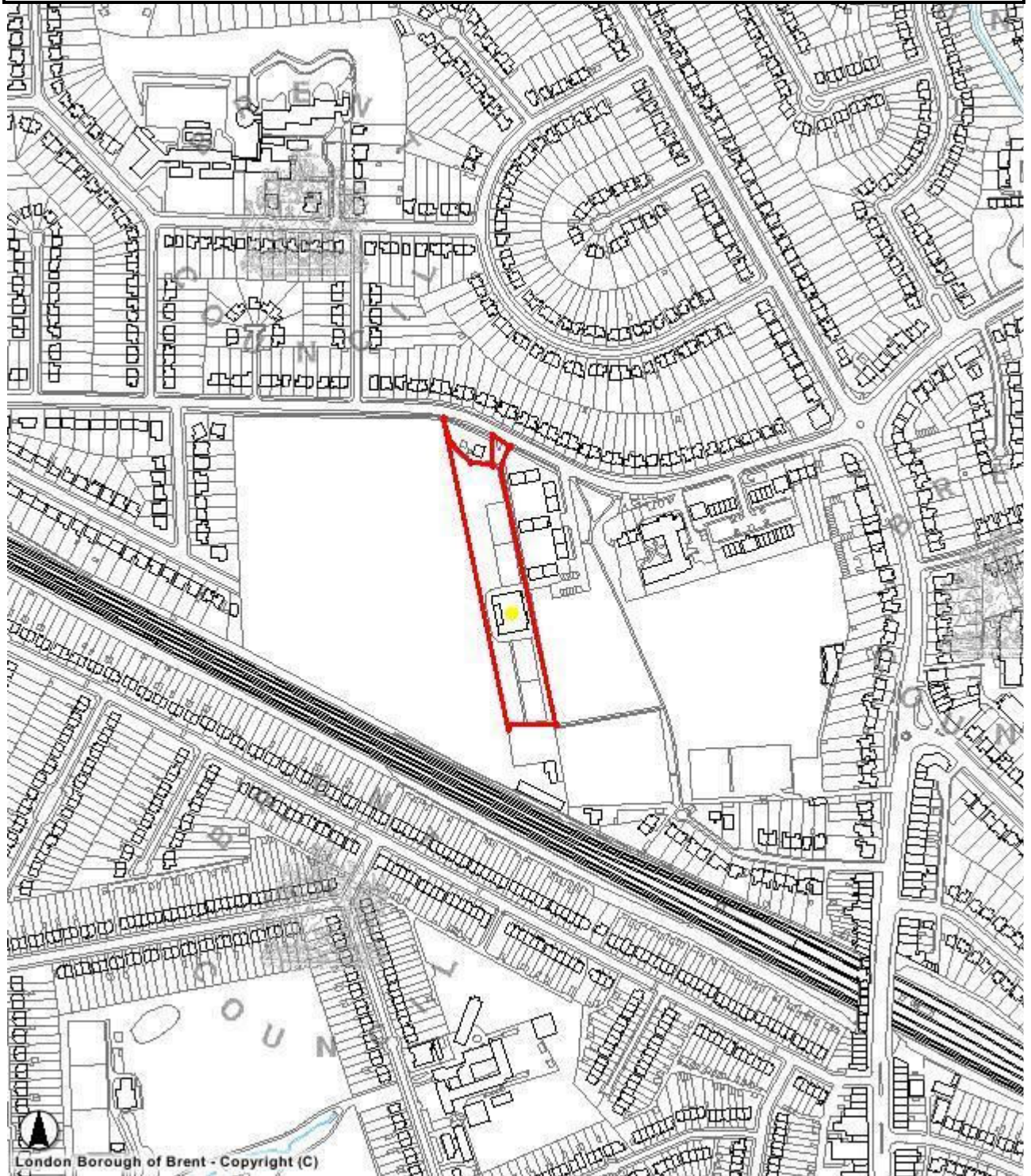
Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337



Planning Committee Map

Site address: John Billam Pavilion, Woodcock Hill, Harrow, HA3 0PQ

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