

Keith & Joyce Hadfield
 2 Steeple End Fold
 Hayfield
 SK22 2JD
 Adjoining property to the Roundhouse
 Sharing common wall

Objection Statement to remove condition 16
of HPK/2014/0376

February 10th 2015

At
The Roundhouse, Steeple End Fold, High Peak SK22 2JD

The Proposal

Planning application HPK/2015/0028 seeks to remove condition 16 of the recently approved (WITH PLANNING COMMITTEE CONDITIONS) HPK/2014/0376

Remove Condition 16

The applicant seeks to remove this condition in its entirety, namely *Within one month of the date of this consent a sound attenuation scheme for the ground floor party wall shall be submitted to the local Planning Authority for approval. The scheme shall be fully implemented in accordance with the approved details within two months of the date of approval.*

Objections

First and foremost and of utmost importance, it must be stated that one of the conditions proposed by the applicant and accepted by The **LICENSING SUB-COMMITTEE DECISION NOTICE** of meeting held Friday, 24th October 2014 was – The premises Licence Holder will take all steps to prevent any noise nuisance emanating from the premises **or as a result of carrying on the licensable activity** which may cause nuisance to the owners or residents of neighbouring properties.

Additionally at the Licensing Sub-Committee meeting, Adrian Healey, solicitor acting on behalf of the Roundhouse, further agreed that any sound attenuation required in future would be implemented and this was agreed by the License applicant for the Roundhouse and co owner Mr P Summers. They agreed to do whatever was required.

Legal Services Solicitor for the council N de Bruin was present at this meeting and can be asked to confirm this.

On 20th October 2014, Elizabeth Pleasant e-mailed Simon Jones and stated – “I am aware that sound insulation works have taken place to the first floor party wall, however given the open plan nature of the building now and the intensification of use, I would suggest that a noise insulation scheme is also provided for the downstairs party wall. In any event that this application is supported this would be a condition of

any consent and thus I would suggest that the details are provided for the consideration with the application.

On 27th October 2014, Simon Jones replied by e-mail and stated in point 5) If you intend to condition any approval with sound proofing requirements then of course we would have to comply.

The Roundhouse now claims that this condition was suggested by one of the elected members during the planning to committee at which the application was approved. However it is clear from the above that it was already a condition from the Licensing sub-committee, the license applicant and the Roundhouse solicitor Adrian Healey both stated they would do whatever was required. They were informed by Elizabeth Pleasant that it would be a condition required for consent. Simon Jones, agent for the Roundhouse agreed they would comply.

Was all this prior agreement possible deliberate malpractice in order to obtain a license and Planning consent? It would certainly seem to be the case. How can they say it only came on the agenda as a result of a suggestion of one of the elected committee members during the planning committee meeting? This is scandalous behaviour.

The Roundhouse claims, "no evidence of noise from the ground floor restaurant affecting the adjacent property has been presented to the local Authority or the applicant. I have complained to the Local Authority of noise nuisance from live or amplified music on:

3-10-2014

4-10-2014

5-10-2014

24-11-2014

7-1-2015 This was given an official complaint reference HPC/2015/00003

Only the last was given an official complaint reference as with the previous complaints I did not know the correct procedure of complaints and I complained to the wrong departments. Complaints of noise nuisance were however made on these dates.

I have not complained to the applicant as I do not want to visit the premises and complain about noise when there will be a great number of people under the influence of alcohol in the building who would take an aggressive stance with me.

The fact remains, whenever there is live or amplified music, the noise through the party wall is horrendous and additionally they have the music so loud it is heard through all the rear windows. The last time they had a band on, they left the fire door open which being permanently closed is a condition of the Licensing sub-committee and the Planning Authorities.

The Roundhouse claims "This condition is deemed unreasonable due to the fact that the ground floor of the premises has been used as a licensed restaurant/café for over 50 years. This is a complete and utter lie. The Skillet only came into existence in 1979. Prior Cafés never held a license. I have lived next door to the premises now the Roundhouse for 60 years. I seriously doubt Simon Jones is even 50 years of age!!

The Roundhouse claims, "No change of use has occurred at ground floor level and therefore there is no legal requirement to upgrade the party wall at ground floor. I would respond that firstly they have agreed to implement sound attenuation at the license sub-committee meeting, during correspondence with Elizabeth Pleasant and offered this as a condition to the Planning Committee in order to gain consent.

Also the Roundhouse continues to state that the ground floor did not need any planning permission. However, the Town and Country Planning (General Permitted Development) (amendment) (England) Order 2010 (GPDO) is very clear in that catering establishments do not have any permitted development and all alterations are subject to planning permission. Section A1, (a) (i) is very specific that alterations to increase of floor space should not be exceeded by more than 25%. The Skillet existed as a small meet and greet cocktail bar and a forty cover only restaurant in two distinctly separate rooms. This was changed to one open plan single room restaurant with an increase of floor space over 25% (and even open plan up to the additional first floor adding even more floor space since all internal walls were removed) and is entirely subject to planning permission. This has been conveyed to me by the Local Planning Authorities and the original planning committee decided that Planning permission would only be granted with conditions in order that the amenities enjoyed by the occupants of adjacent dwellings shall not be injured, in accordance with policy GD5 of the High Peak Saved Local Plan policies 2008.

The fact remains, that every time the Roundhouse has live or amplified music there will be a noise nuisance unless a sound attenuation scheme is installed on the ground floor party wall, and I will now complain to the local council authorities every time this happens. Furthermore, every time now my family has noise nuisance such that it disturbs their sleep we will now phone a complaint through to the Police.

Jerry and Carol Devine never had live or amplified music. The last owners of the Skillet had live music I can count on two hands in all the years they were there. On each occasion they spoke to us to let us know there would be live music, and on each occasion afterwards they spoke to us to make sure the noise was not too loud. They always had the sound level low enough not to be a nuisance. I have now already used one hand in counting the noise nuisance of live or amplified music from the Roundhouse in less than 6 months.

Since the planning committee imposed the conditions in order that the amenities enjoyed by the occupants of adjacent dwelling shall not be injured, in accordance with policy GD5 of the High Peak Saved Local Plan policies 2008; we cannot see how GD5 can possibly be complied with if this condition is removed.

Conclusions

The Roundhouse claims they provide an important means of entertainment and relaxation for visitors without adversely affecting the amenity of local residents. However, the planning committee recognised the business would affect the amenity of local residents and imposed conditions to restrict these adverse affects. I have raised formal complaints and asked planning control officers to investigate and act on non-compliance of existing conditions. If there is a relaxation of the conditions imposed in

order that the amenities enjoyed by the occupants of adjacent dwellings shall not be injured, in accordance with policy GD5 of the High Peak Saved Local Plan polices 2008, then the situation for my family will only be exacerbated.

The Roundhouse offer as reasons to the variations that they provide an important function room, but there are many others within the village and one only 20 metres away at Hayfield Conservative Club.

The Roundhouse offer as reasons they are the largest employer in the village. I would respond that existing catering establishments already employ more collectively and further competition could adversely affect how many in turn they can continue to employ. I would also argue how little if any this has to do with the planning committee setting the conditions in order that the amenities enjoyed by the occupants of adjacent dwellings shall not be injured, in accordance with policy GD5 of the High Peak Saved Local Plan polices 2008.

The Roundhouse offer as reasons that their project has been responsible for the conservation and renovation of a prominent building in Hayfield Village. I would also argue how little if any this has to do with the planning committee setting the conditions in order that the amenities enjoyed by the occupants of adjacent dwellings shall not be injured, in accordance with policy GD5 of the High Peak Saved Local Plan polices 2008.

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In conclusion and in light of the above, we would strongly urge the High Peak Borough Council to reject this application and uphold the original application HPK/2014/0376 and the conditions applied thereof.

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