



NORTHAMPTON
BOROUGH COUNCIL

PLANNING COMMITTEE: 8th March 2011
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2010/1037: Change of use from Public House (use class A4) to a Muslim Community and Education Centre (use class D1)
The Clicker Public House, 1 Collingdale Road, Northampton

WARD: Headlands

APPLICANT: Mr. A. Abdullah, Gulzar-e-Madina Welfare Trust
AGENT: Mr. L. Beaver, Datum CAD Services Ltd

REFERRED BY: Cllr. B. Markham
REASON: Concerned that the proposal would be detrimental to residential amenity through excessive noise and disturbance and the likely increase in traffic movements and associated noise

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL, subject to conditions and for the following reason:

The proposal is for a community use, compatible with the surrounding predominantly residential area and would operate without detriment to the amenities of that area or highway safety. The proposal is therefore compliant with the requirements of PPS1, PPS23, PPG13 and PPG24 and Policy E20 of the Northampton Local Plan.

2. THE PROPOSAL

2.1 The applicant has applied to change the use of this now vacant public house, which falls under Class A4 of the Town and Country Planning

(Use Classes) Order 1987 (as amended), to form a community and education centre that falls under Class D1 of this Order.

- 2.2 The building has a floor space of 260m², of which 170m² is currently laid out for use as a bar area and function room. The remainder of the building is storage space, kitchen, staff rest area, toilet facilities and circulation space. It is proposed that 107m² of the building be used for a prayer area, 73m² as a community/function area and 17m² be used as a community/meeting room. The remainder of the building would be storage, kitchen, toilet facilities and circulation space. One member of staff would be employed.

3. SITE DESCRIPTION

- 3.1 The application site is located within a primary residential area as identified within the Northampton Local Plan. The surrounding residential properties include bungalows to the north of the site and two storey flats and houses to the south. The building was constructed as a public house during the early 1950s. It also contained an attached small residential unit. A car park, containing 45 spaces is located to the south of the building. This is accessed via entrances in Collingdale Road and Silverdale Road.
- 3.2 The application states that the Public House closed in March 2010 and has remained vacant since this date. An 'indefinite' public house licence remains in place allowing the premises to be open between 10am and 12:30am on Sundays to Thursdays, 10am and 1:30am on Fridays and Saturdays. Exceptions to this are in place for Christmas Eve and New Years Eve. Although this is an 'indefinite' licence, this can be reviewed depending the manner in which the premises are operated and managed. There are no planning restrictions on the existing public house's opening hours.

4. PLANNING HISTORY

- 4.1 NR/50/171 – Proposed outline for a public house – Approved
- 4.2 Additional applications have been submitted to Northampton Rural District Council and, latterly, Northampton Borough Council for various minor alterations to the building and advertisements.

5. PLANNING POLICY

- 5.1 **Development Plan**
Section 38(6) of Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The current Development Plan comprises the East Midlands Regional Plan, the Northamptonshire County Structure Plan and the Northampton Local Plan.

5.2 **National Policies**

PPS1 – Delivering Sustainable Development
PPS4 – Planning for Sustainable Economic Growth
PPS23 – Planning and Pollution Control
PPG13 – Transport
PPG24 – Planning and Noise

5.3 **Northampton Local Plan**

E40 – Crime and vandalism

5.4 **Supplementary Planning Guidance**

Parking

6. **CONSULTATIONS / REPRESENTATIONS**

6.1 **Public Protection (Environmental Health - NBC)** – A satisfactory noise assessment has been submitted and this should be a condition of any approval. The noise assessment identifies the use of a forced ventilation scheme; however, a detailed scheme should be submitted by condition. It is recommended that conditions are used in relation to the opening hours of the premises, of which 10am to 11pm are satisfactory.

6.2 **Highway Authority (NCC)** – No objections in principle, but due to the potential increase in children walking to the site, a condition is requested that would provide visibility splays to the car park entrance.

6.3 **Northamptonshire Police Crime Prevention Design Advisor** – No objections as the site has sufficient parking, is set back from the road and immediate neighbours and someone would be living on site. Following discussions with officers, it has been agreed that it would not be necessary to gate the entrances to the site. The applicant is a well known group, which has operated from Abington Community Centre with no recent issues.

6.4 **Northamptonshire Fire and Rescue** – Requesting that consideration be given to the positioning and type of refuse storage and would encourage the installation of an internal sprinkler system.

6.5 **Cllr. B. Markham** – Objecting to the proposal as it is likely to generate excessive noise and disturbance as a result of people visiting the property at unsociable hours, which would be detrimental to residential amenity. There is likely to be an increase in traffic movements and noise from people entering and leaving the property.

6.6 **Northamptonshire Rights and Equalities Council** – The area around the site is reflective of Northampton in being socially, racially and religiously diverse. Therefore, this proposal serves both specific elements of the local community as well as the wider community. The proposal would not disrupt the area and would make a greater contribution to the environment than the now disused site. The building has no foreseeable future as a public house and therefore, if this

application were to be refused, it could remain as an eyesore in the local environment. The site benefits from significant car parking.

6.7 **Council for Ethnic Minority Communities** – The proposal is a good opportunity to provide a meeting place that is welcoming to women and children. The building is vacant and is not viable as a public house. Car parking is of a sufficient level. The proposed community centre would be available for all groups, which would be a benefit for good relations in the area.

6.8 Letters of objection have been received from the occupiers of 25 Ashley Way; 39, 58, 63, 70, 79, 81, 119, 123, 125, 127 and 129 Booth Lane South; 170 Broadway East; 68 Bush Hill, 43 Bushland Road; 85 Charnwood Avenue; 57 and 67 Coaching Walk; 3, 6 (two letters), 8, 9, 13, 16, 19, 23, 26, 29, 30, 32, 33 and 38 Collingdale Road; 10 Conifer Rise; 27 Cottarville; 1, 2, 7, 27 and 31 Debdale Road; 3 Dryland Road; 195 Fullingdale Road; 6 Hervey Close; 5 Holman Close; 5 Sandiland Road; 6 and 9 Silverdale Road, 143, 236 and 270 The Headlands; 25 Trooper Road (Albury, Tring), 4 Malcolm Road; 568 Wellingborough Road; 22 (two letters) and 78 Westone Avenue and five unaddressed letters. Comments can be summarised as:

- The area is already well served in the provision of educational establishments and the area already features a number of religious establishments, which are used for a number of functions and groups.
- Other locations are more appropriate and the area does not have a high level of public transport
- There has been no surveying of local needs, interests or beliefs and the proposal may reduce community cohesion
- A public house would benefit the local community and would generate less traffic
- Patrons visiting the public house tended to leave at varying times and many walked. This minimised the impacts on local residents from traffic noise
- Traffic and parking problems could be created. The area already experiences high levels of traffic. The high demand for on-street car parking spaces has created problems with congestion.
- The proposal would create excessive noise and light levels, which was not the case with the public house and many people live nearby. It is not possible to fully assess the scheme's impacts
- The proposed opening hours would have a detrimental impact upon residential amenity and contribute to anti-social behaviour.
- Anti-social behaviour took place at the pub and fly tipping now takes place at the site.
- The building may be inappropriately extended or altered
- The use of the site may change from the Community and Education Centre.

6.9 A petition has been submitted, signed by 112 individuals expressing objections to the proposed development on the grounds that it will

significantly increase the amount of traffic, on street car parking would create congestion and disruption, the location of the centre is not environmentally sustainable, excessive noise would be generated and the facility would be of little benefit to the local community.

6.10 Letters of support have been received from 12 Battalion Drive (two letters); 136 Beech Avenue (two letters); 27 Birchfield Road; 3 Blossom Way; 44 Bostock Avenue (three letters); 37 Brickwell Court; 79 Bridgewater Drive (two letters); 9 (two letters) and 49 Briton Road; 101 Broadmead Avenue; 57 Broadway (three letters); 191 Bush Hill (four letters); 21 Bushland Road (four letters); 12 and 31 Codlin Close; 35 (two letters) and 45 Edgemont Road; 35 Elmhurst Avenue; 5 Escher Court (two letters); 117 Fullingdale Road (five letters); 17 Fulford Drive; 2 Grassmere Avenue; 92 Hamsterly Park; 75 and 124 Hinton Road; 165a Kettering Road; 11 Knights Court; 54 Lingswood Park (three letters); 41 Mallows Drive (Raunds); 27 Norman Road; 24 North Paddock Court; 9 North Hayes Court; 26 Oat Hill Drive; 10 Oleander Crescent (two letters); 7 Oransay Close (two letters); 7 Parva Court; 8 Pelham Court; 37 Probyn Close; 25 Sandiland Road; 10 Sharrow Place; 16 Smythe Court; 4 Stamford Way (two letters), 136 (seven letters) and 208 The Headlands (two letters); 10 Thirlmere Avenue; 63 Thorburn Road; 4 Thyme Court (two letters); 4 and 23 Whiteland Road; 11 Whittlebury Close; 32 Whitworth Road; 18 and 72 Wilford Avenue; Headlands Primary School; Northamptonshire Green Party; the Wellingborough Inter Faith Group and an unaddressed letter. Comments can be summarised as:

- The proposal will be a community resource in an accessible location and therefore there are benefits to the whole community
- The proposal would provide a venue for social activities within the local neighbourhood and strengthen links between different groups within the wider community.
- There are few facilities of this type within Northampton and this proposal has the potential to be an asset to the area
- Noise and disruption is unlikely to be greater than that generated by the public house use
- Sufficient car parking is already available, but it is likely that a number of people will be travel by other methods
- The building has been vacant for some time and this proposal would bring the building back into a productive use.
- Anti-social behaviour can be generated by any group of the community and would not necessarily be linked to this proposal.
- If refused community relations within Northampton will be damaged.

7. APPRAISAL

Principle of the development

7.1 The provision of a community centre and education facility in this location would see an improvement in the level of accessibility to such facilities and as a result of this it is considered that the general principle of a Class D1 use in this type of residential area is acceptable and in

accordance with the requirements of PPS1 – Delivering Sustainable Development. PPS1 places an obligation upon Local Planning Authorities to consider the diverse needs of the wider community. As the property is located within a residential area and in close proximity to the bus routes that operate within Booth Lane South, it is considered that the location of a community and education centre is generally appropriate

- 7.2 It is also necessary to consider the ‘fall back’ position for this particular site (i.e. the lawful public house use). The operation of a public house, with unrestricted opening hours could have the potential to lead to an adverse impact upon residential amenity. This current application offers the potential to restrict the operating times. Due to permitted development rights, the established use could be converted to any Class A1 (retail), A2 (financial and professional services) or A3 (restaurant/café) use without applying for planning permission, each of which could lead to an impact on neighbour amenity, traffic and parking, particularly bearing in mind that the use would have no planning controls re hours of opening.
- 7.3 It is considered that although commercial in nature, a public house does represent a community facility. As a result of this, there are a number of similarities between the functioning of a public house and the proposed community and education centre. Therefore, it is considered that the impacts of the current proposal would be, at worst, neutral, but probably less of an impact than a fully operational public house.
- 7.4 Although the commercial use of the site has currently ceased, PPS4 – Planning for Sustainable Economic Growth states that Local Planning Authorities should, in promoting sustainable economic activity, recognise the potential for change within the economy as well as the need for leisure facilities.

Impact upon neighbouring properties

- 7.5 The proposed use has the potential to create a detrimental impact upon residential amenity through noise and disturbance. The applicant has therefore submitted a survey into noise levels, which includes an assessment of the existing ambient noise levels as well as the level of noise likely to be generated from the operation of the proposed community and education centre. This has been achieved through the study of noise levels at a comparable facility. Through this, it has been demonstrated that, subject to suitable upgrades to the building including improved windows, the proposed use would not cause an undue detrimental impact upon the amenities of surrounding properties. In order to maintain this situation and with reference to the advice of the Council’s environmental health service, it is recommended that a condition be attached to any approval requiring that the proposed use operates in manner consistent with the findings of this noise report.

- 7.6 In order to reduce the impacts of the proposal (particularly during summer months) the applicant has identified the need for a forced ventilation system. This would ensure that the measures to mitigate noise levels described in paragraph 7.5 are effective at all times. This is to be secured by condition and implemented prior to the use commencing. It is considered that the proposed use would not give rise to any significant detrimental impact upon residential amenity as suitable controls would be in place to prevent any excessive noise and disturbance.
- 7.7 Under the provisions of the 'indefinite' public house licence, it is possible for the premises to operate between the hours of 10:00am to 12:30am Sundays to Thursdays and 10:00am and 12:30am on Fridays and Saturdays, with social and entertainment events (such as the playing of live music) needing to be concluded by 11:30pm. The applicant has revised the opening hours of the proposal to 10am until 11pm, which represents a reduction in the level of activity during more sensitive times. It is recommended that these hours be secured by condition.
- 7.8 For the foregoing reasons therefore it is considered that the proposal would not generate excessive noise to the detriment of residential amenity and therefore the proposal is in accordance with PPG24 – Planning and Noise.
- 7.9 In order to monitor the impacts of the development and to ensure that it does not give rise a detrimental impact upon the amenities of surrounding occupiers, it is recommended that a condition is applied to any approval requiring that any outdoor community or educational event requires the prior written approval of the Local Planning Authority.

Highways considerations

- 7.10 It is recognised that a number of users of the community centre may travel there by private car. However, due to the size of the car park at the premises (45 spaces) there is a suitable provision. This provision significantly exceeds the guidance contained in the County SPG on Parking for this type of use. The development also includes the provision of cycle storage that exceeds the minimum provision within this SPG.
- 7.11 Under the terms of the existing public house planning permission, a significant number of vehicles could be attracted to the premises. The same is true of the alternative potential lawful uses as described within 7.2 (i.e. Use Classes A1, A2 or A3). As a result of this, it is considered that the proposal would not have a significantly greater impact upon highway safety or traffic flow than the existing use.
- 7.12 The Highway Authority has requested the provision of 2m visibility splays to the site entrances. However, due to the existing commercial use of the site and its potential to attract to patrons arriving by car it

would not be reasonable to secure these requested amendments as the proposed use is unlikely to result in significantly greater traffic movements compared to the existing lawful use. The Highway Authority has raised no objections to the principle of the proposal.

Crime and anti-social behaviour

- 7.13 Policy E40 of the Northampton Local Plan requires that new developments should pay sufficient regard to deterring crime and vandalism. No objections have been received from Northamptonshire Police's Crime Prevention Design Advisor. Furthermore, the site is located at a prominent position within the road network, which would assist in creating a well surveyed site and this arrangement would assist in the prevention of anti-social behaviour. The three main entrances into the building are located on the southern elevation. This ensures that the most active elevation is the most prominent, thereby assisting in the creation of a development, which is of a safe nature.

Other considerations

- 7.14 Representations made during the consultation process comment upon the possibility of the use of the premises changing to another use in the event that planning permission is granted. In order to retain effective control over the use of the site and to allow the Council to opportunity to adequately assess the potential impact of other uses, it is recommended that any planning permission for the proposed use be subject to a condition that requires a further application for change of use from the proposed Community and Education Centre use. In order to secure a satisfactory standard of development, a condition is recommended to control refuse storage in accordance with PPS23.
- 7.15 Comments have also been made regarding the suitability of potential alterations to the building. These would require planning permission in their own right and would be considered on their individual merits in the event that an application were to be submitted.
- 7.16 Representations have also been received from Northamptonshire Fire and Rescue regarding the potential provision of a sprinkler system within the building. This is not a planning matter and would have to be considered under other legislative provisions. However, an informative note outlining this advice will be included should permission be given.

8. CONCLUSION

- 8.1 It is considered that, subject to controls that can be secured via conditions, the proposed change of use would not impact upon the vitality of the application site's environs over and above the existing lawful use as a public house. Furthermore, it would not give rise to an undue negative impact upon the amenity of the location, including the surrounding residential properties or adversely affect highway safety. It is therefore considered that the proposal is in accordance with the relevant local and national planning policies.

9. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. Unless otherwise in agreed in writing by the Local Planning Authority, the property shall only be used as a community and education centre and no other use within Class D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: For the avoidance of doubt and to allow the Local Planning Authority opportunity to full assess the impacts of any alternative Class D1 use in the interests of general amenities in accordance with PPS1.

3. Unless otherwise agreed in writing by the Local Planning Authority, the premises shall only operate between the hours of 10am and 11.00pm

Reason: In the interests of residential amenity in accordance with PPG24 – Planning and Noise

4. Unless otherwise agreed in writing by the Local Planning Authority, the use hereby permitting shall operate fully in accordance with the submitted Noise Assessment (dated the 25th January 2011; reference MDR/J1957a).

Reason: To protect the amenities of nearby occupants from noise and to secure a satisfactory impact on residential amenity in accordance with the advice contained in PPG24 Planning and Noise.

5. Notwithstanding the details submitted, a scheme for the mechanical ventilation of the building shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, implemented prior to the use hereby permitted first commencing and shall be retained thereafter.

Reason: To protect the amenities of nearby occupants from noise and to secure a satisfactory impact on residential amenity in accordance with the advice contained in PPG24 Planning and Noise.

6. Unless otherwise agreed in writing by the Local Planning Authority, no community or education events or activities shall take place outside of the building.

Reason: To protect the amenities of nearby occupants from noise and vibration in accordance with the advice contained in PPG24 Planning and Noise.

7. Details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, implemented prior to the occupation or bringing into use of the building(s) and thereafter maintained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

Informative: The applicant is advised that Northants Fire and Rescue service encourage the installation of hard wired fire detection systems, smoke extraction systems to protect communal means of escape, lighting and surveillance systems and appropriate security measures.

10. LEGAL IMPLICATIONS:

10.1 None

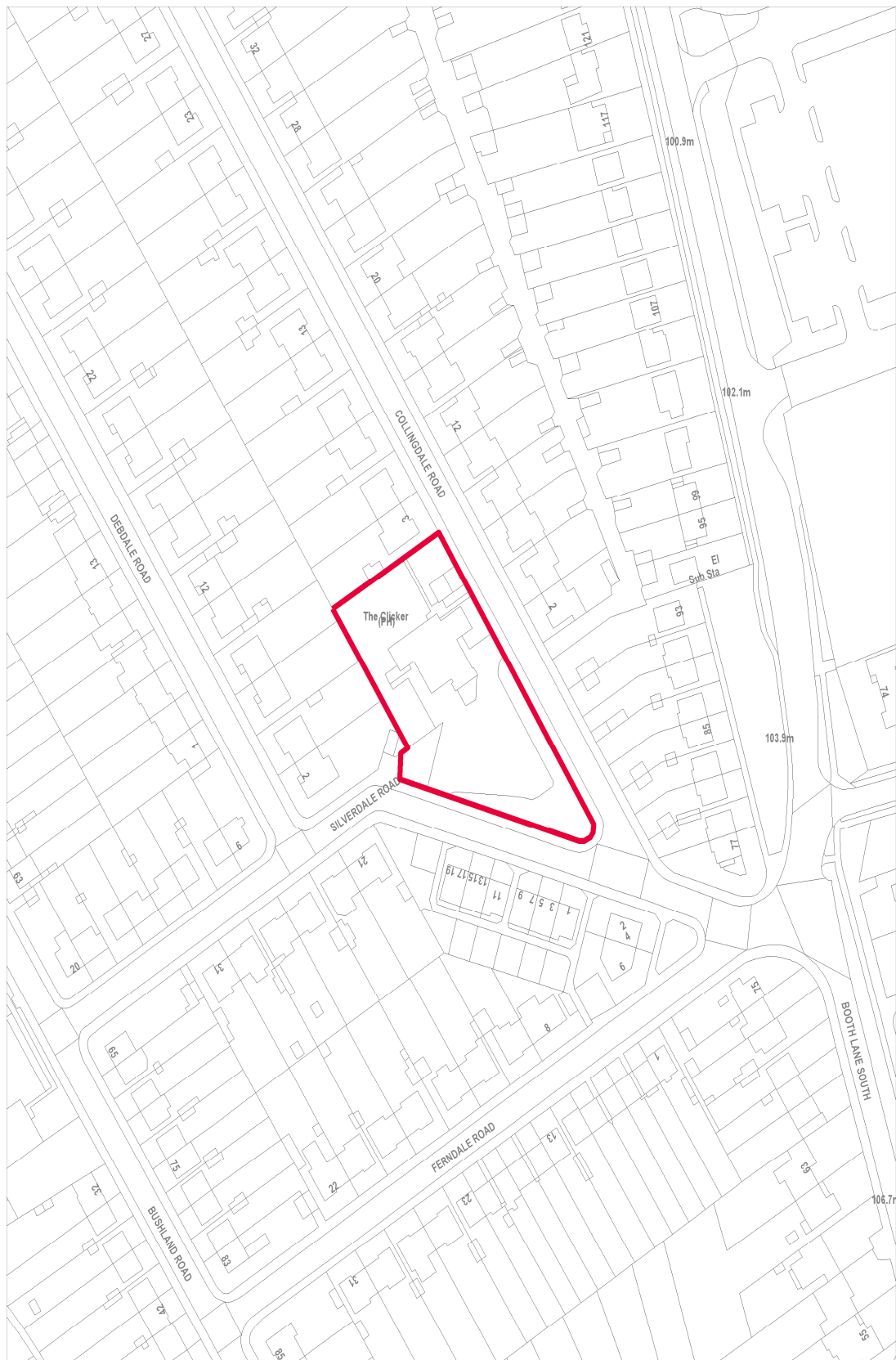
11. BACKGROUND PAPERS

11.1 None

12. SUMMARY AND LINKS TO CORPORATE PLAN

12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.

Position:	Name/Signature:	Date:
Author:	Ben Clarke	11/02/2011
Development Control Manager:	Gareth Jones	28/02/2011



Name: SW
 Date: 17th February 2011
 Scale: 1:1250
 Dept: Planning
 Project: Site Location Plan

Title

The Clicker Pub, 1 Collingdale Road

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