



**NORTHAMPTON**  
**BOROUGH COUNCIL**  
Planning Committee

**PLANNING COMMITTEE:** 26<sup>th</sup> June 2012  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Susan Bridge

**N/2011/1184:** Variation of Condition 3 of Planning Permission N/2011/0215 to change the opening times to open 24 hours a day Brookside Hall, Lings Local Centre, Billing Brook Road.

**WARD:** Brookside

**APPLICANT:** Mrs M. Iftakhar

**REFERRED BY:** Head of Planning  
**REASON:** Council owned property

**DEPARTURE:** No

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**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

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

The proposed variation of condition would have a neutral impact upon the amenities of neighbouring properties and would support the continued use of the property as a community centre. The proposal is therefore in compliance with the requirements of the National Planning Policy Framework.

**2. THE PROPOSAL**

2.1 The applicant seeks permission to vary Condition 3 of Planning Permission N/2011/0215 to allow part of the premises to be open for 24 hours a day. The applicant has estimated that such events are likely to take place approximately 100 times a year.

**3. SITE DESCRIPTION**

3.1 The application site is located within a local centre as identified within

the Northampton Local Plan and was formerly in use as a public house. Other uses within the local centre include various shops and a takeaway. The area beyond the application site hosts residential accommodation of varying types.

- 3.2 The property was previously used as a public house, with planning permission granted for change of use of the premises to community centre, takeaway, taxi office and hairdressers. This use has now commenced.

#### **4. PLANNING HISTORY**

- 4.1 N/2009/0894 – Change of Use from public house to community centre with ancillary restaurant, hairdresser and taxi office – Approved  
N/2011/0215 - Change of Use from public house to a mixed use of community centre, hairdressing salon, taxi office and takeaway – Approved

#### **5. PLANNING POLICY**

##### **5.1 Development Plan**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The current Development Plan comprises of the East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

##### **5.2 National Policies:**

National Planning Policy Framework

##### **5.3 Northampton Borough Local Plan**

E20 – New Development

E40 – Planning and Crime

##### **5.4 Supplementary Planning Guidance**

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

#### **6. CONSULTATIONS / REPRESENTATIONS**

- 6.1 **Environmental Health** – If large numbers of people attend the centre it is considered that there would be an adverse impact upon amenity due to the anti-social hours that the centre would operate in. As a result of this, it is recommended that a temporary consent be applied in order for the impacts of the development to be monitored. It is also considered that a condition covering the use of public address systems and amplified music be utilised.

#### **7. APPRAISAL**

- 7.1 Condition 3 of Planning Permission N/2011/0215 reads that *'unless otherwise agreed in writing by the Local Planning Authority, the property shall only be open to customers between the hours of 8am and 11pm on Mondays to Saturdays and 8am to 10:30pm on Sundays, Bank Holidays and Public Holidays.'* The reason for the condition was to ensure a satisfactory impact upon residential amenity in accordance with (the now superseded) PPG24 – Planning and Noise.
- 7.2 The applicant has specified that the elements of the building that would be used on a 24 hourly basis would be the community centre and taxi office uses.
- 7.3 The taxi office use is an administrative office rather than a booking office (i.e. customers do not / would not visit the office). It is considered that by reason of the scale of the unit (some 4m x 2.5m) and the nature of the work carried out therein, increasing the operating hours of this particular unit would not generate excessive noise and disturbance to the detriment of residential amenity.
- 7.4 The applicant also seeks permission to extend the operating hours for the community centre use. The applicant has estimated that the premises would operate past the originally permitted times 100 across the year (therefore approximately twice a week on average). In any event the number of events is potentially high and due to the proposed additional operating hours the use could give rise to harm to neighbour amenity.
- 7.5 Nonetheless, the application site is separated from the adjoining residential properties by at least 30m, which would help to mitigate the impacts of the development. Furthermore, the site is located within an allocated local centre, which includes a number of other commercial uses. The applicant has also confirmed that these events would not involve the use of amplified music or public address systems. This would further mitigate any potential impact on the residential properties within the vicinity. In order to control this a condition is recommended.
- 7.6 In summary the extended hours of use of the community centre (due to their potential frequency and the hours concerned) have the potential to harm neighbour amenity, however this is mitigated by a number of factors (including, the nature of the use, separation distance to residential property and control of amplified sound). Although finely balanced, it is reasonable to anticipate that the proposed change would have a neutral impact on the neighbour amenity. However, in order to ensure that neighbour amenity is not compromised in the long term, officers recommend that the extended hours of use are limited to a temporary period of 12 months to allow the opportunity to fully assess the potential impacts. This accords with the advice of the Council's Environmental Health Officer (para 6.1).

- 7.7 The applicant has requested that the kitchen facilities of the existing takeaway be included in the proposed extension of hours in order to provide on-site catering facilities to support the community centre use. Whilst there are no particular objections to this, there are concerns that if the takeaway were to be open on an unrestricted basis it would generate excessive noise and disturbance to the detriment of residential amenity as a result of the potential number of people that could be attracted to the premises during anti-social hours.
- 7.8 It is considered that the proposed variation of condition would support and enhance the potential number of events that could be run within the application site and therefore supports the continued use of the community centre.

## **8. CONCLUSION**

- 8.1 For the reasons highlighted previously, it is considered that it would be unlikely that the proposal would generate an excessive detrimental impact upon residential amenity; however, it is considered that this is a marginal decision given the extent of the variation proposed. As a result of this, it is recommended that a temporary consent of one year, combined with an additional condition covering the usage of amplified music and public address systems is reasonable in order to enable the Council to fully consider the impacts of this variation of hours.

## **9. CONDITIONS**

1. Unless otherwise agreed in writing by the Local Planning Authority, the operation of the taxi office and community centre on an unrestricted basis shall cease within 12 months from the date of this permission. Following this date, all uses within the building shall operate between the hours of 8am and 11pm on Mondays to Saturdays and 8am to 10:30pm on Sundays, Bank Holidays and Public Holidays.

Reason: In the interests of residential amenity and in accordance with the National Planning Policy Framework.

2. The uses hereby permitted shall be limited to the floor areas show for each use only on approved drawing number 10/032/02c (dated April 2010) and shall be used for no other purpose.

Reason: For the avoidance of doubt and in the interests of the viability and vitality of the Local Centre in accordance with the National Planning Policy Framework.

3. Unless otherwise agreed in writing by the Local Planning Authority, the hairdressing salon shall only be open to customers between the hours of 8am and 11pm on Mondays to Saturdays and 8am to 10:30pm on Sundays, Bank Holidays and Public Holidays.

Reason: In the interests of residential amenity and in accordance with the National Planning Policy Framework.

4. Unless otherwise agreed in writing by the Local Planning Authority, the takeaway shall only be open to customers between the hours of 8am and 11pm on Mondays to Saturdays and 8am to 10:30pm on Sundays, Bank Holidays and Public Holidays. Outside of these hours, the takeaway shall only provide food and or beverages to users of the Community Centre.

Reason: In the interests of residential amenity and in accordance with the National Planning Policy Framework.

5. Unless otherwise agreed in writing by the Local Planning Authority, no systems for the playing of amplified music or public address systems shall be used outside of the hours of 8am and 11pm on Mondays to Saturdays and 8am to 10:30pm on Sundays, Bank Holidays and Public Holidays.

Reason: In the interests of residential amenity and in accordance with the National Planning Policy Framework.

## **10. BACKGROUND PAPERS**

10.1 N/2011/0215 and 1184.

## **11. LEGAL IMPLICATIONS**

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.

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	Ben Clarke	7/6/12
<b>Development Control Manager Agreed:</b>	Gareth Jones	12/6/12



Name: SW  
 Date: 14th June 2012  
 Scale: 1:1250  
 Dept: Planning  
 Project: Site Location Plan

**Title**  
**Lings Local Centre, Billing Brook Road**

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