



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 2 July 2013
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2013/0267 **Variation of Condition 3 of Planning Permission N/2010/1037 to allow the Community and Education Centre to operate between 10am and 1am for a maximum of 30 days per calendar year. The Centre to operate between 10am and 11pm on all other days.**
Former Clicker Public House, 1 Collingdale Road

WARD: Westone

APPLICANT: GEM Trust
AGENT: Mr. A. Abduallah

REFERRED BY: Cllr. M. Lynch
REASON: Due to the detrimental impact upon residential amenity

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

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

The proposal, by reason of the limited number of days involved and subject to conditions, would have a neutral impact upon residential amenity and therefore is in compliance with the requirements of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 The applicant seeks to vary Condition 3 of the 2010 Planning Permission, which limits the operating hours of the centre to between 10am and 11pm on any given day. It is proposed that on a maximum

of 30 days per year, the centre could operate between 10am and 1am, with it being open between 10am and 11pm on all other days.

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. A car park, containing 45 spaces is located to the south of the building. The car park can be accessed via entrances in Collingdale Road and Silverdale Road. Prior to the existing use, the site was utilised as a public house. The site includes an attached dwelling.
- 3.2 Planning permission was granted by the Council in 2011 for the change of use of the building from a public house to a community and education centre. This was subject to a number of conditions, including one relating to opening hours. The current permitted opening hours of the centre are 10am to 11pm on any one day.

4. PLANNING HISTORY

- 4.1 NR/50/171 – Proposed outline for a public house – Approved
N/2010/1037 – Change of use from Public House (use class A4) to a Community and Education Centre (use class D1) – Approved
N/2012/0520 – Variation of Condition 3 of Permission N/2010/1037 to allow for the premises to be open between the 10am and 1am during the period of July 19th 2012 and August 18th 2012 – Approved
- 4.2 The most recent planning permission (N/2012/0520) was approved as a temporary measure between the 19th July and 18th August 2012. After this period elapsed, the permitted opening hours of the centre reverted to those specified in permission N/2010/1037 (i.e. 10am to 11pm).

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 for this part of the Borough comprises of the saved policies of the Northampton Local Plan 1997.
- 5.2 **National Policy**
National Planning Policy Framework - Paragraph 17 requires mixed use developments and seeks to ensure that sufficient community facilities and services are provided in locations that are sustainable
- 5.3 **Northampton Local Plan**
E20 – New development

E40 – Crime and anti-social behaviour

5.5 **Supplementary Planning Documents:**

Parking

Planning Out Crime

6. **CONSULTATIONS / REPRESENTATIONS**

6.1 **Environmental Health (NBC)** – No objections.

6.2 **Highway Authority** – No observations

6.3 **Northamptonshire Police Crime Prevention Design Advisor** – No objections.

6.4 **Cllr. M. Lynch** – Requesting that the application be determined by the Planning Committee due to the potential detrimental impact upon residents.

6.4 **16 letters of objection** have been received. Comments can be summarised as:

- The proposal would detrimentally affect residential amenity as a result of increased noise (e.g. from cars moving, doors being opened and closed, etc).
- The proposal would increase traffic to the property.
- There is currently insufficient parking
- Activities associated with the increased opening hours may cause disturbance, such as cooking odours

6.5 **83 letters of support**, including 79 standard letters (i.e. of the same content) have been received. Comments can be summarised as:

- The extended opening hours are for a limited period`
- Extended opening hours have been granted in the past.
- The former public house historically had extended opening hours
- The centre supports the community.

7. **APPRAISAL**

Scope of application

7.1 This application seeks a variation to a previously approved condition from Planning Permission N/2010/1037. Condition 3 and its associated reason are:

“Unless otherwise agreed by the Local Planning Authority, the premises shall only operate between the hours of 10am and 11pm.

Reason: In the interests of residential amenity in accordance with PPG24 – Planning and Noise” (NB. PPG24 was superseded by the National Planning Policy Framework in 2012).

- 7.2 As a result of the wording of this condition, the principal matter for consideration when assessing this application is whether the proposed revised opening hours (for a maximum of 30 days per calendar year) would pose an undue detrimental impact upon residential amenity. Therefore, whilst it is noted that some representations have been made that have commented upon the loss of the public house use, this is a matter that cannot be given any weight as that change of use has already occurred in accordance with planning permission reference N/2010/1037.

Principle of the variation

- 7.3 The proposed variation seeks permission to operate the centre between the hours of 10am and 1am for a maximum of 30 days per calendar year. Outside of these days, the centre would operate between 10am and 11pm.
- 7.4 Given the time of day during which the additional opening hours are sought, it is likely that the majority of activities would take place within the building (which would be maintained by Condition 4), which would provide adequate noise screening. An additional consideration is that conditions were applied to Planning Permission N/2010/1037, which required the installation of a noise attenuation scheme and a mechanical ventilation scheme. The continued retention of this mitigation would negate the need for windows and doors to be open during the centre's operating hours, which would provide mitigation during the proposed extended opening hours.
- 7.5 It is accepted that noise may emanate from patrons entering or leaving the premises between 11pm and 1am, which are times where background noise levels are unlikely to be high. Nonetheless, the total number of people using the centre is unlikely to be excessive by reason of the limited scale of the building and therefore noise levels associated with arrivals and departures is unlikely to be detrimental to neighbour amenity. A further consideration is that permission is only sought for a maximum of 30 days per calendar year (which could potentially in one group) and therefore, within this context, the overall change in impacts is unlikely to be significant.
- 7.6 No objections to the proposed revised opening hours have been received from the Council's Environmental Health section. In order to ensure a satisfactory standard of development, it is recommended that any approval be subject to conditions in order to ensure that all activities take place within the building and that the noise mitigation and ventilation systems are retained in order to ensure satisfactory impact upon neighbouring properties.
- 7.7 It is also noteworthy that the centre operated for a month during the summer of 2012 with hours which are consistent with those sought within this application in accordance with planning permission N/2012/0520 (see paragraph 4.2 above). Officers are not aware of any

complaints or any enforcement action within this period under planning or environmental health legislation.

Other considerations

- 7.8 As the application under consideration does not represent a change of use proposal, it is likely that the centre would not feature any significant increases in the level of traffic arriving at the centre and therefore it is likely that the proposal would not lead to any undue adverse highways impact. Further to this point, no objections have been received from the Highway Authority.

8. CONCLUSION

- 8.1 It is considered that, subject to conditions, the limited scope of the application would prevent there from being an unacceptable detrimental impact upon residential amenity and therefore for the foregoing reasons the proposal is in accordance with the requirements of the National Planning Policy Framework and the relevant policies of the Northampton Local Plan.

9. CONDITIONS

(1) The premises shall only operate between 10am and 1am for a maximum of 30 days per calendar year. Outside of these periods the premises shall only operate between the hours of 10am and 11pm on any one day only. The Local Planning Authority shall be notified in writing at least seven days in advance of any day where the centre will operate until 1am.

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

(2) 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 the National Planning Policy Framework

(3) The use shall operate fully in accordance with the submitted Noise Assessment (dated the 25th January 2011; reference MDR/J1957a), and any associated mitigation measures shall be retained throughout the life of the development.

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 the National Planning Policy Framework.

(4) 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 the National Planning Policy Framework.

(5) The use shall operate in accordance with the mechanical ventilation scheme submitted to the Local Planning Authority on the 3rd November 2011, and any associated mitigation measures shall be retained throughout the life of the development.

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 the National Planning Policy Framework

10. BACKGROUND PAPERS

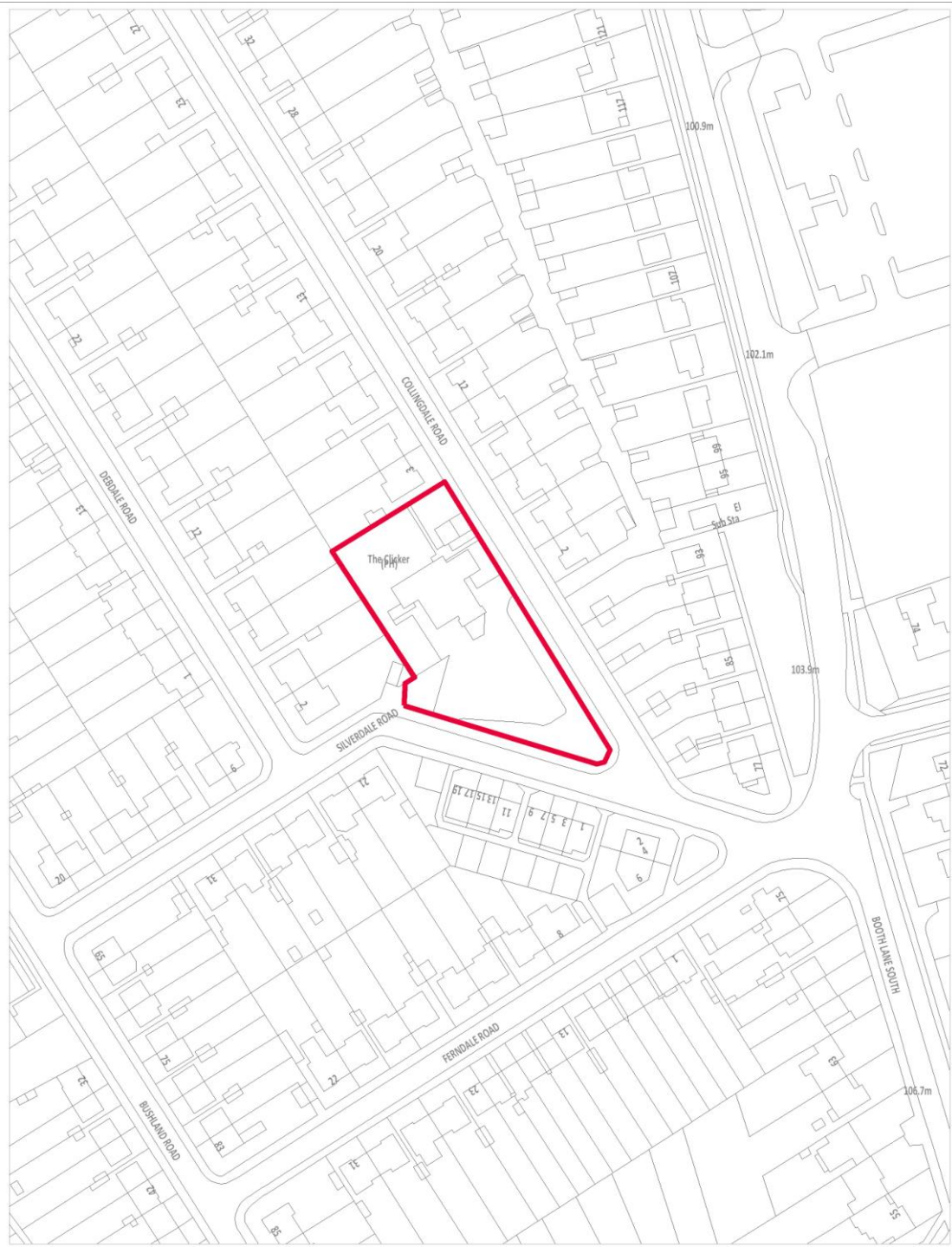
10.1 N/2010/1037 and N/2012/0520

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.



Name: Planning
Date: 18th June 2013
Scale: NTS
Dept: Planning
Project: Committee

Title
N/2013/0267

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