

MAIN CASE

Reference No: 16/00506/FUL

Proposal: Change of use from Social Club to A4 Pub

Site Address: Lode Social Club 45 Lode Road Lode Cambridge CB25 9ET

Applicant: Mr Craig Stretton

Case Officer: Julie Barrow Senior Planning Officer

Parish: Lode

Ward: Bottisham

Ward Councillor/s: Councillor Alan Sharp
Councillor David Chaplin

Date Received: 27 May 2016 **Expiry Date:** 10 August 2016
(TBC)

[R70]

1.0 **RECOMMENDATION**

1.1 Members are requested to APPROVE this application subject to the recommended conditions below. The conditions can be read in full on the attached appendix 1.

- 1 Approved plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Parking layout
- 4 No additional plant or venting
- 5 Entertainment noise level - 1
- 6 Entertainment noise level - 2
- 7 Hours of use
- 8 External events
- 9 Deliveries and collections
- 10 Use of flat roof extension
- 11 Use of external glass recycling bins
- 12 Bin store
- 13 Noise from plant or machinery
- 14 Extraction system details
- 15 Smoking shelter details
- 16 Noise Management Plan

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks consent for the change of use of Lode Social Club to a public house. The existing lawful use of the site is as a social club, defined as a place where members go to meet each other and enjoy leisure activities. This use does not fall within a specific Use Class as set out in The Town and Country Planning (Use Classes) Order 1987 (as amended) and is therefore a sui generis use. The application seeks to change the use to a use falling within Use Class A4 – Drinking establishments, which includes use as a public house, wine-bar or other drinking establishment.
- 2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.** During the course of the application an amended Noise Management Plan and Transport Statement has been submitted.
- 2.3 The application has been brought to Planning Committee at the discretion of the Planning Manager as a previous application to alter and extend the premises was determined by the Planning Committee and the concerns raised by local residents to this application are broadly the same as considered previously.

3.0 PLANNING HISTORY

3.1

04/00730/ADI	Club sign	Approved	14.07.2004
14/01006/FUL	Alterations and extensions	Approved	07.04.2015
14/01307/CLE	Certificate of Lawfulness for an existing use as a Golf Lounge (use class D2)	Refused	21.01.2015
15/01099/FUL	Alterations and extensions to building changes to parking layout and proposed bin store.	Approved	24.01.2016

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site comprises an existing social club located within the established settlement boundaries of Lode. The social club has been closed for a number of months while works are carried out to alter and extend the premises in accordance with planning consents granted in 2015 and earlier in 2016. The main building has been subject to extensions in the past and is set back from Lode Road with an area of hardstanding to the front, which is used for car parking. There is also a single width vehicular access from Northfields to the rear of the buildings, which also leads to an area of hardstanding, which has been used in the main for deliveries to the premises.

5.0 RESPONSES FROM CONSULTEES

- 5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

Lode Parish Council – Since the building was purchased there have been several planning applications. The first of these 14/01006/FUL commented on the question of the shortage of parking. It is worth noting that when the building operated as a Social Club members, attending functions, would park on the verge fronting Broughton Hall thereby leaving the road reasonably clear. Following refurbishment of the Hall and the proposal to build extra houses on the site this option is no longer available.

The premises are now very large and could have a large seating and dining capability and daytime use (although not yet fitted-out). Lode Road is only 16 feet (4.9 metres wide) and Lode is a no-through-road village. Lode Road is used by buses on the Cambridge to Newmarket route and many agricultural, and articulated delivery lorries and horseboxes. Four spaces on-site at the front is quite inadequate.

Since the last pub close many years ago, and the Social Club two years ago, there has been a lack of a place for villagers to meet over a drink. There is therefore a desire amongst many villagers for a pub somewhere in the village. However, there is a fear that with an enlarged and more widely available public building, where clearly meals will be served during the day and the evening, parking by visitors in Lode Road will be a problem for other road users and nearby residents.

With this new application the PC, being most concerned about the parking problem, requests that Highways be brought back into the picture.

Ward Councillors - No comments received.

CCC Transport Planning Team (on original Transport Statement) – Request further information in relation to when the social club closed, the number of trips generated by the former use, likely trip generation of the proposed development and current level of parking in the area around the proposed development.

Environmental Health (Technical Officer) – It is understood that the application is only regarding the change of use and does not relate to any structural changes on site. From the plans it does not appear that there is any garden area that requires control.

It is advised that several of the current conditions for the site (recommended under 15/01099/FUL) are used in relation to hours and noise. Conditions are also recommended in relation to any extraction equipment.

Several factors that Environmental Health would expect to see in a noise management plan are covered by the above conditions. However, issues such as the closing of windows and doors after certain times during events with amplified music would be beneficial. Signage asking patrons to keep noise down is also important for customers leaving as well as in the smoking area. With regard to any events liaison with local residents and the local authority is important.

Environmental Health (Commercial Team) – Recommend an informative in relation to layout, design and construction complying with relevant food and health and safety legislation.

Cambridgeshire Fire And Rescue Service - No comments received.

Waste Strategy (ECDC) – ECDC do not collect trade waste. It would therefore be the responsibility of the manager/owner to arrange a Commercial waste Collection.

5.2 Neighbours – Two site notices posted (Lode Road and Northfields) and 8 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

12 responses received raising the following points:

- Area to rear should be used for staff parking only with accessed controlled.
- If an A4 pub allows for property to be used as a restaurant then previous comments regarding kitchen noise and smell need to be taken into consideration.
- All previous conditions required by Environmental Health should be adhered to.
- Limited off road parking means that customers will have to park on the surrounding roads – inconvenient and could lead to increase in accidents and difficult for emergency vehicles to progress through the village.
- Noise when people leave the pub at night.
- Strongly object on grounds of loss of privacy, noise pollution from traffic, music and people.
- Safety of children and damage caused by delivery lorries.
- Increase in litter and odour from cooking. Vermin and anti-social behaviour.
- Increase in traffic and excess parking creating poor visibility.
- Concerned about detrimental effect of having a 'pub' entrance opposite front driveway,
- Light pollution.
- Stand by previous comments – amendments no more than what was required on the original application.
- No details of smoking shelter submitted or protection to be put in place re noise.
- Northfields is too narrow for delivery lorries.
- Are entrances and toilets going to be suitable for disabled access?
- Plans show flat clear glass atrium but a raised atrium has been constructed and out of hours construction work has been taking place.
- Original social club ceased to be economically viable over 3 years ago. Golf Lounge failed commercially. Originally club had limited opening hours.
- There has been extensive refurbishment and extensions implying a larger operation than either of its predecessors and too large for its site in a residential area.
- Neither Lode Road nor Northfields can support roadside parking this proposal is likely to generate.
- Lode Road is only access and exit for the village and the extensive farming, commercial and equestrian activities on Lode Fen. It is a bus route and part of a cycle route from Cambridge. Traffic control measures by Highways will be essential. Village has also experienced some problems from overspill parking from Anglesey Abbey.

- Noise management - main function room has open vaulted ceiling with lightweight metal roof covering and ridge roof lights. Building has poor sound insulation properties. Questionable whether additional thermal insulation will give sufficient sound insulation to meet existing conditions.
- Potential noise from deliveries and area by new delivery door is likely to be used by staff for smoking.
- New owners cannot have taken over premises licence as conditions incompatible with planning conditions.
- Proposed extraction system still have to be approved by the planning authority and this will include noise levels.
- Overtime operation of club has changed which often lead to more noise disturbance and some antisocial behaviour. Since club closed area has been oasis of peace and quiet.
- Lode and District Social Club Ltd support the application and point out that the site has been used for many years as a public access site.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2 Locational strategy
 GROWTH 5 Presumption in favour of sustainable development
 ENV 2 Design
 ENV 11 Conservation Areas
 COM 3 Retaining community facilities
 COM 7 Transport impact
 COM 8 Parking provision

6.2 National Planning Policy Framework 2012

1 Building a strong, competitive economy
 7 Requiring good design
 12 Conserving and enhancing the historic environment

7.0 PLANNING COMMENTS

7.1 Following the submission of a lawful development certificate application in 2014 it was established that the lawful use of the premises is as a social club, i.e. a place where members go to meet each other and enjoy leisure activities. The use of part of the premises as a golf lounge in recent years was considered to be ancillary to the primary use as a social club. The information submitted with the lawful development certificate application made reference to the presence of a kitchen on the premises and that theme nights of different foods were held as well as Christmas celebrations and private functions. Comments received from members of the public on this application also support the historic use of the premises as a social club with references made to the club operating for several decades.

7.2 The decline of the social club is also well documented within the application and within comments made by the general public. It is accepted that the club has been closed for a period in which the permitted alterations and extensions have been carried out, however, its lawful use remains that of a social club that could re-open

and operate within the limits of the planning conditions imposed on the recent consents. A copy of decision notices 14/01006/FUL and 15/01099/FUL are attached at Appendix 2 and 3.

- 7.3 The conditions attached to these consents were subject to consultation with the Council's Environmental Health department and are in place to protect the amenity of neighbouring occupiers so far as possible given the site's long use as a social club.
- 7.4 At the time these applications were determined it was anticipated that the premises would continue to operate as a social club and that customers would be required to become a member of the club in order to use its facilities. There is no planning restriction on the number of people that could become members of the club or attend the premises at any one time. If such a condition had been imposed it would have been both unreasonable and unenforceable.
- 7.5 This application now seeks to change the use of the premises to one within Use Class A4, which specifically relates to drinking establishments, which includes use as a public house, wine-bar or other drinking establishment. Concerns have been raised by local residents that the intended use is that of a restaurant, which falls within Use Class A3. It is accepted however that the service of food is now commonplace within public houses etc. and that this is ancillary to an A4 use. It should also be noted that The Town and Country Planning (Use Classes) Order 1987 (as amended) permits the change of use of premises from Use Class A4 to use Class A3 without the need for an express planning application to be made.
- 7.6 It is considered that the day to day activities of the premises would be broadly the same if the site were to operate as a social club or a public house. The previous planning conditions in relation to hours of use and noise management could be carried forward as well as conditions relating to matters such as the siting and use of the bin store and parking arrangements. It is accepted that there is limited parking on site and that overspill parking on Lode Road is likely to occur. However, this is already the case if the site were to continue to operate as a social club and the use of the premises as a drinking establishment would not be materially different in this respect.
- 7.7 The County Council's Transport Planning Team has requested additional information in respect of past and future trip generation and levels of parking in the surrounding area. The applicant has responded to say that he has no specific information in respect of past trip generation and that there are no local parking restrictions on the surrounding streets. At the time of writing the County Council has yet to submit a further response, however, as stated above the lawful use of the site is as a social club and it is apparent that in the past the premises has been well used. As this use could lawfully continue the refusal of the application on transport and parking impacts could not be justified.
- 7.8 As stated above existing conditions, in place to protect residential amenity, can be carried forward and to address concerns in relation to the siting of a smoking shelter an additional condition requiring details of the smoking shelter/area to be submitted prior to an A4 use commencing is proposed.

- 7.9 The concerns raised by a local resident that the alterations are not being carried out in accordance with the approved plans have been noted and will be referred to the Enforcement Team for investigation. This application relates to the change of use of the premises and the alterations and extensions currently being carried out have been the subject of separate applications. The applicant has stated that a number of changes being made are to facilitate disabled access and the applicant will be required to comply with all necessary regulations and legislation in this respect.
- 7.10 For the reasons outlined above it is considered that the use of the site as a drinking establishment (Use Class A4) would not have any greater impact on residential amenity, transport and parking than the existing lawful use as a social club. The proposal is therefore considered to comply with policies ENV2, COM7 and COM8. The proposal ensures that the site remains as a community facility and the proposal therefore complies with policy COM3 in this respect.
- 8.0 **APPENDICES**
- 8.1 Appendix 1 – Draft conditions
- 8.2 Appendix 2 – Decision notice 14/01066/FUL
- 8.3 Appendix 3 – Decision notice 15/01099/FUL

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
16/00506/FUL	Julie Barrow Room No. 011 The Grange Ely	Julie Barrow Senior Planning Officer 01353 665555 julie.barrow@eastca mbs.gov.uk
04/00730/ADI		
14/01006/FUL		
14/01307/CLE		
15/01099/FUL		

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

APPENDIX 1 - 16/00506/FUL Conditions

- 1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version No	Date Received
TRANSPORT STATEMENT		24th June 2016
LOCATION PLAN		27th May 2016
SD/2014/66/B		12th April 2016
SD/2014/67/B		12th April 2016
SPEC FOR BIN STORE		12th April 2016
NOISE MANAGEMENT PLAN		10th July 2016

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 The proposed car parking spaces as detailed on Drawing No. SD/2014/66 Revision B, shall be provided prior to the commencement of use and all works shall be carried out in accordance with the approved plans.
- 3 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement to ensure that the approved layout is in operation prior to customers entering the site.
- 4 No additional external plant or venting, other than that shown on Drawing SD/2014/67 Revision B and SD/2014/66 Revision B shall be installed without the prior written agreement of the Local Planning Authority by way of a formal planning application.
- 4 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 5 The LAeq (Entertainment Noise Level) shall not exceed LA90 (Representative Background Noise Level without the Entertainment Noise) when measured and/or calculated at 1m from the façade of any noise sensitive premises.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 6 The L10 (Entertainment Noise Level) shall not exceed L90 (Representative Background Noise Level without the Entertainment Noise) in any 1/3 octave band between 40Hz and 160Hz when measured and/or calculated at 1m from the façade of any noise sensitive premises.
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

- 7 The hours of use shall be restricted to 08:00 - 00:00 each day and 08:00 - 01:00 on Christmas Eve, New Years Eve and Bank Holidays.
- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 External events with amplified music/live music shall be limited to 6 per calendar year and shall be limited to 10:00 - 22:00 on any day.
- 8 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 9 Deliveries and collections shall be limited to 09:00 - 18:00 each day Monday to Saturday. There shall be no deliveries and collections on Sundays and Bank Holidays.
- 9 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 10 The flat roof extension to the rear of the existing building, shown on Drawing No. SD/2014/67 Revision B shall be used as a means of escape and for no other use.
- 10 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 11 Glass for recycling shall not be put in external bins between the hours of 21:00 - 08:00.
- 11 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 12 Prior to the commencement of use the bin store shall be fully constructed in accordance with the 'Specification for proposed bin store' and maintained in good condition thereafter.
- 12 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement to ensure that appropriate refuse arrangements are put in place and that amenity remains protected.
- 13 The specific rated noise levels emitted from plant and/or machinery located on the site shall not exceed the existing background noise level or 35dB(A), whichever is the higher. The noise levels shall be measured and/or calculated at 1m from the façade of the nearest noise sensitive house. The measurements and assessment shall be made in accordance with BS4142:2014.
- 13 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 Prior to the commencement of use of the site, details of the extraction system (including type, location and noise levels) shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be in line with current government guidance for the type of food being cooked/prepared and shall be implemented and

retained thereafter unless otherwise agreed by the Local Planning Authority by way of a formal application. The system shall be maintained in accordance with the manufacturer's instructions.

- 14 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. This condition is pre-commencement to ensure that the extraction system is not brought into operation before sufficient details have been submitted and agreed by the local planning authority to ensure amenity is protected.
- 15 Prior to the commencement of use of the site, details of the smoking shelter/area (including type, design and location) shall be submitted to and agreed in writing with the Local Planning Authority. The smoking shelter/area shall thereafter be maintained in accordance with the approved details.
- 15 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. This condition is pre-commencement to ensure that the smoking shelter/area is not brought into use before sufficient details have been submitted and agreed by the local planning authority to ensure amenity is protected.
- 16 The use hereby permitted shall be operated strictly in accordance with the Noise Management Plan submitted on 10 July 2016.
- 16 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.