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**MAIN CASE**

Proposal: Change of use of ground floor at front to Dance Hall (Class D2).

Location: 11 Victoria Street Littleport Ely Cambridgeshire CB6 1LU

Applicant: Mr P Malkin

Agent: Greg Saberton Design

Reference No: 12/00612/FUL

Case Officer: Alkis Riziotis

Parish: Littleport  
Ward: Littleport East  
Ward Councillor/s: Councillor Andrew Wright  
Councillor David Ambrose-Smith

Date Received: 13 July 2012                      Expiry Date: 7 September 2012

[M136]

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1.0      **EXECUTIVE SUMMARY**

1.1      The application proposes the continued use of the premises as a dance/teaching dance hall, which has been in use for several months with adaptation of the property (an ex-supermarket) already carried out by the applicant for the purpose, including the fitting of a special wooden floor. The main issues are:

- Appropriateness of dance hall use in this location
- Impact on residential amenity

The location within the village centre is suitable for this type of activity in order to help maintain its vitality and economic viability, and would be welcomed in community use terms. The frontage of the premises, being glass, could give rise to concerns over noise emissions, with the possibility of an adverse effect on adjacent residential amenity. Consultations have taken place with Environmental Health and County Highways and conditions have been proposed to address the relevant issues. The applicant has indicated a willingness to carry out remedial measures.

The application has been called-in to Committee by Councillor Ambrose-Smith.

The application is recommended for **APPROVAL**.

1.2      A site visit has been arranged for 12.30pm

## 2.0 **THE APPLICATION**

- 2.1 The proposed application is made to authorise the current use of the ground floor front part of the building (123 sq m) facing Victoria Street as a dance/dance teaching hall, a use that has been in operation for several months (since February according to the applicant). This use took over the previous use as a small supermarket and the application followed the Council's alerting of the operator that the use required planning permission.
- 2.2 The hours of operation would be limited from 9am-10pm Monday-Friday, 10am-4pm Saturdays, 10am-6pm Sundays/bank holidays while amplified music would be limited to a maximum of 10am-9pm Monday - Friday, 10am-5pm on Saturdays and none on Sundays or bank holidays and no microphone use shall be permitted.
- 2.3 In addition, the applicant proposes to install a second set of doors along the frontage (the current doors are in-set with respect to the shopfront, so this is feasible), so as to create a lobby with entrance doors being diagonally opposite each other and thus allowing for the outer door to be closed before opening the inner one and thus mitigate escaping noise further. The applicant plans to install these imminently while a condition proposed also requires their installation. As the frontage is mainly glass (above a brick base) the applicant also proposes to install an additional second layer of glass on the inside, which should have a significant impact in containing noise.

## 3.0 **THE APPLICANT'S CASE**

- 3.1 The applicant is YPL ("Young People Littleport"), a charity, which the applicant states has been based in Granby Street nearby for over 5 years without any complaint and where live music and other dance and related events take place, louder than the sessions held here, and which premises have been sound insulated. On this basis of a track record, the applicant states that he can reassure residents in the vicinity of 11 Victoria Street, the application premises, that they will not hold activities which may cause noise nuisance especially as these can operate in the other studio in Granby Street. The applicant is content to agree to all the conditions recommended via Environmental Health (attached to the recommendation) and to ensure the level of music is kept to a level low enough to be commensurate with the ambient noise of the location, as well as taking the additional steps of installing a lobby and additional glazing (and he also states, any other action which may be required). A further consideration that the applicant has proposed is to install acoustic curtains, in addition, if noise remains an issue.
- 3.2 The applicant states that he understood that permission existed for a "Youth Club" (a related permission was granted in 2000) and did not believe further planning permission would be required for this current use. He states he is fully aware of the concerns expressed regarding music heard by a resident opposite and suggests that this was mainly due to the doors being left open on a hot summer evening while he is prepared to take any measures needed to contain the noise.

#### 4.0 **THE SITE AND ITS ENVIRONMENT**

4.1 The site is located centrally in Littleport fronting Victoria Drive, a wide main, and at times busy, street. Opposite, across Victoria Drive, is a residential property with front and side garden and more residences further east. To the east on the same side of the hall is a restaurant and to the west (corner across White Hart Lane) more residential properties. The centre of Littleport contains a variety of buildings and uses. The site also falls within the Littleport Conservation Area.

4.2 The property's elevation is faced with large panes of obscure glass (preventing views into) and it is a corner large open space with its long frontage on Victoria Drive but turning the corner also into White Hart Lane to the north. It consists of one large room with some storage and toilet facilities and the floor area has had a new timber floor laid for the dance use. Internally it is suitable for the use. To the rear is an exhaust and tyre centre and this area at the front was apparently at some time a car showroom linked to this, and subsequently not needed by the tyre place whose entrance is from the side White Hart Lane. Prior to the dance use the front space was used as a supermarket and before as an estate agent and retail.

#### 5.0 **PLANNING HISTORY**

5.1 In terms of formal planning history, permission was granted in 2000 for a "young peoples' centre" but the premises were originally part of the car business to its rear and as mentioned above used, as estate agents and retail subsequently.

00/00424/FUL	Use as a young peoples centre/coffee bar with information and listening service including new door/access from White Hart Lane.	Approved	07.07.2000
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#### 6.0 **REPLIES TO CONSULTATIONS**

6.1 Five representations were received regarding the application raising the following issues:

- Noise impact – building is glass fronted and not fully soundproof and neighbours are affected when classes are held, hearing music in the garden, having to keep windows shut; the hours proposed are long causing further stress; there would be increase in stress to an already busy area with a village hall next door and a restaurant opposite used a great deal day and night and another community facility would be unacceptable; other locations should be considered.
- Traffic/parking – the road is getting busier and the application will increase parking problems and congestion and in turn create pedestrian hazard.
- Conservation Area – using the premises as a dance hall will not add to the ambience of the conservation area.

6.2 Councillor Ambrose-Smith also reported the concerns of residents above adding that whilst he lives within 90 yards of the property and understands these concerns... " the

organisation that runs the Dance Hall does have a good record of community involvement with all ages, specializing in helping the youth of the village and it is appropriate that consideration by the Planning Committee and its officers into the suitability of such a positive youth activity in this already busy yet residential part of Victoria Street is required to enable all interested parties concerned to be heard and constructively acted upon”.

- 6.3 Parish Council: need to satisfy checks for fire exits; doors open inwards.
- 6.4 Highways: No objections from a highway perspective as it is the responsibility of each driver to park safely despite the fact that car drivers compete with residents and other users.
- 6.5 Conservation Officer: The proposal for the change of use has minimal impact on the character and appearance of the area and does not have a detrimental impact.
- 6.6 Environmental Health:  
The building does not lend itself to major acoustic treatment and there is likely to be a great expense associated with this, due to its construction. However on discussing the intended use with the applicant I consider that we can use conditions to protect residential amenity. Obviously the description of a 'dance hall' brings with it concerns of very loud music, akin to that associated with clubs and discos. Due to the construction of the building it is unlikely this would be acceptable at this location without major attenuation works, and therefore I would consider the following conditions necessary to protect residential amenity and prohibit any disturbing use.
1. All windows and doors to remain closed except to allow ingress and egress.
  2. Amplified music limited to a maximum of 10:00 - 21:00 each day Monday - Friday, 10:00 - 17:00 on Saturdays and none on Sundays or bank holidays unless otherwise agreed in writing with the Local Planning Authority.
  3. Times of use limited to 09:00 - 22:00 each day Monday - Friday, 10:00 - 18:00 on Saturdays and 10:00 - 16:00 on Sundays or bank holidays unless otherwise agreed in writing with the Local Planning Authority.
  4. No microphone use is permitted.
  5. The noise climate of the surrounding residential properties shall be protected such that any 5 minute A weighted equivalent continuous noise level (LAeq5min) at the nearest residential property with entertainment taking place, shall show no increase as compared to the same result from the same location and over a comparable period with no entertainment taking place. This measurement and assessment shall be undertaken in accordance with BS4142, however a 5-minute period shall be used to ensure the residential amenity is protected.
  6. No external plant to be fitted without prior written agreement with the Local Planning Authority.
- 6.7 During site visits the applicant agreed that a 'lobby' would be erected to ensure the front doors do not open straight into the hall but rather there are a set of double doors to

ensure some noise attenuation (one set of doors can be closed whilst the other is open during ingress & egress). This needs conditioning, as it is an important mitigation measure.

## 7.0 **THE PLANNING POLICY CONTEXT**

### 7.1 **East Cambridgeshire Core Strategy 2009**

EN2 Design – ensure that no significantly detrimental effect occurs on residential amenity by development.

CS5 Retail and Town Centre Uses – give support to activities and uses that sustain and improve the vitality, viability, character and attractiveness of town centres (including leisure and community uses) that can also help them become economically more successful, in Ely, Soham and Littleport.

### 7.2 **National Planning Policy Framework 2012**

NPPF 2 Ensuring the vitality of town centres – allocate a range of suitable sites to meet retail, leisure, commercial and other needs, plan positively for encouraging activity in centres.

## 8.0 **PLANNING COMMENTS**

8.1 The main planning issues relating to this planning application are:

- The appropriateness of the community/leisure use of the premises in this location and building
- The extent of impact of that use on nearby residential premises in this location

### Appropriateness of dance hall use.

It would be very hard to argue that the use – which has existed for some time – in this particular location in Littleport’s centre, is inappropriate.

The premises are on a corner in a prominent position and on a main central road, close to, and interacting with, other town centre uses in the centre of Littleport. Both national and local planning policies are very clear in the support that must be given to opportunities to keep town centres “alive” and vibrant and to improving them socially and economically in all respects. The proposed use (that includes dance lessons and classes for all ages, including children) is clearly a valuable facility to be supported in principle.

### Impact on residential amenity.

It is understandable that concerns have been expressed by nearby residents about a use which can potentially cause noise nuisance, notwithstanding the fact that this is a mixed commercial/residential area. This issue has been carefully considered by Environmental Health who have visited and monitored the use and its relationship to such properties.

Environmental Health have legislation at their disposal to enforce against noise nuisance should it arise, and they are satisfied that imposing suitable conditions will enable the satisfactory controlling of noise levels. It would be unreasonable to argue that the to-ing and fro-ing of visitors to the hall and the ensuing activity would warrant refusal, given the central location of the premises within the settlement. The applicant is aware of the significance of controlling his use of the premises (and he does have a positive record in running a youth and music venue in very close proximity which could accommodate more noisy events), and that action will be taken if breaches of conditions occur (both under planning and environmental legislation). He has stated that the particular classes to be run in this venue do not require loud music (focussing, rather, on learning techniques). The music amplification in the premises of the equipment used (as the site visits revealed) is not powerful. The addition of the lobby and extra glazing (or, indeed, any other measures which may be required to enable him to meet the key condition regarding the non-exceeding of ambient noise levels) should be able to ensure that nuisance does not result.

### Parking

With regard to parking for clients/customers, town/village centre premises, located within built-up areas, have to rely on general parking provision in most instances. There is public parking available both on-street, and in the public car park off Main Street. Pedestrians and cyclists can easily access the building. No concerns have been raised by the Highway Authority. It is therefore considered that this is a suitable location for this type of use.

### Summary

The proposed use of the building is acceptable in this location adjacent to the village centre. The issues of residential amenity can be addressed through the imposition of suitable conditions. There would be no requirement for this premises to provide off-street parking in such a central location. Taking all the issues into account, together with the comments received in connection with the application, it is considered that the proposal would be acceptable.

## **9.0 RECOMMENDATION**

The application is recommended for **APPROVAL** subject to the following conditions:

- 1 The times of use of the premises shall be limited to 09:00 - 22:00 each day Monday - Friday, 10:00 - 18:00 on Saturdays and 10:00 - 16:00 on Sundays or bank holidays unless otherwise agreed in writing with the Local Planning Authority.
- 1 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009.
- 2 The noise climate of the surrounding residential properties shall be protected such that any 5 minute A weighted equivalent continuous noise level (LAeq5min) at the nearest residential property with entertainment taking place, shall show no increase as compared to the same result from the same location and over a comparable period with no entertainment taking place. This measurement and assessment shall be undertaken in accordance with BS4142, however a 5 minute period shall be used to ensure the residential amenity is protected.
- 2 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009.
- 3 Amplified music shall be limited to a maximum of 10:00 - 21:00 each day Monday - Friday, 10:00 - 17:00 on Saturdays and none on Sundays or bank holidays and no microphone use shall be permitted unless otherwise agreed in writing with the Local Planning Authority.
- 3 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009.
- 4 A 'lobby' will be erected in accordance with the plans and details submitted within 4 weeks of the date of this permission and retained in place permanently thereafter, to ensure that the (existing) front doors do not open straight into the hall. All doors shall remain closed except to allow ingress and egress.
- 4 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009.

<b><u>Background Documents</u></b>	<b><u>Location(s)</u></b>	<b><u>Contact Officer(s)</u></b>
Planning Application 12/00612/FUL	Alkis Riziotis Room No. 011 The Grange Ely	Alkis Riziotis Team Leader Development Control 01353 665555 alkis.riziotis@eastcambs.gov.uk