



Forest Heath
District Council

DEV/FH/17/042

Development Control Committee 6 December 2017

Planning Application DC/17/2052/VAR – Mildenhall Social and Bowls Club, Recreation Way, Mildenhall

Date	06.10.2017	Expiry Date:	01.12.2017
Registered:			
Case Officer:	Britta Heidecke	Recommendation:	Approve Application
Parish:	Mildenhall	Ward:	Market
Proposal:	Planning Application - Variation of conditions 2 and 4 of DC/17/0790/FUL - to allow use of amended plans for providing a new entrance to restaurant and amended opening hours Sunday - Thursday 11am - 10pm and Friday and Saturday 11am to 11 pm for Change of use of Sports Pavilion (D2) to Restaurant/Cafe (A3)		
Site:	Mildenhall Social and Bowls Club, Recreation Way, Mildenhall		
Applicant:	Mr John McGuire		

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

Recommendation:

It is recommended that the Committee determine the attached application and associated matters.

CONTACT CASE OFFICER:

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Background:

The application had been called in to Delegation Panel by Councillor Ruth Bowman and has been referred to the Development Control Committee by the Delegation Panel.

The recommendation is for APPROVAL and the Parish Council supports the application.

Proposal:

1. The application seeks to vary i) condition 2 'Approved Plans' to allow a new, additional access to the restaurant on the outside (northern) elevation, and ii) condition 4 'opening hours' to allow opening one hour later, Sunday - Thursday from 11am to 10pm and Friday and Saturday from 11am to 11 pm.

Application Supporting Material:

2. - Application Form
- Existing and Proposed Plans

Site Details:

3. The site is located east of Recreation Way, within the settlement boundary of Mildenhall and close to the town centre. It contains a part single part two storey social club building and bowling green with parking to the front. There are a number of mature trees around the parking area, west of the main building. To the north lies a cemetery, to the east lies the rear gardens and boundaries of existing residential properties, to the south lies a football pitch, whilst to the west lies a single storey club building, with a children's play area beyond. The nearest residential properties lie north west on Turnstone Close, with a minimum building to building stand-off distance of approximately 33m metres.

Planning History:

4. There is extensive planning history in relation to the application site. The most relevant applications are listed below:

Reference	Proposal	Status	Decision Date
DC/17/0790/FUL	Planning Application - Change of use of Sports Pavilion (D2) to Restaurant/Cafe (A3) including single storey glazed extension	Application Granted	27.06.2017
F/2010/0230/NMA	Non-material amendment to F/2008/0269/FUL - amendment to the external covered seating area	Application Approved	16.04.2010
F/2010/0247/ADI	Display of illuminated main sign and non-illuminated entrance sign	Approve with Conditions	18.05.2010

F/2008/0269/FUL	Erection of a Social and Bowls Club with first floor flat for club steward and bowling green (as amended by plans received 13th August 2008). (Major Development)	Approve with Conditions	01.09.2008
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Consultations:

5.

Parish Council	Support.
Ward Councillor	No written comments received.
Environment Team	'Thank you for consulting us. We have no comment.'
Public Health And Housing	No objection subject to conditions.
Waste Management Operations Manager	No comments received.
Conservation Officer	No comments received.
Rights Of Way Support Officer SCC	No comments received.
Ramblers Association - Jenny Bradin	No comments received.
Ecology And Landscape Officer	No comments received.
Ministry Of Defence	No comments received.
Environment & Transport - Highways	No objection subject to conditions as per previous comments.

Representations:

6. Three objections have been received from properties on Turnstone Close which can be read in full as part of the online file. The concerns raised can be summarised as follows:
- noise concerns/ noise disturbance from the social club already / outside tables/ smoking area
 - smoking area should only be outside the main social club entrance to the front (Note: reference to the 'existing covered smoking area' has been removed from the plan)
 - separate entrance would enable independent use from social club
 - other restaurants in town are usually empty on weekday evenings
 - impact on the quality of life
 - parking issue on Turnstone Close and additional demand on public car park in Mildenhall

Policy:

7. The following policies of the Joint Development Management Policies Document and the Forest Heath Core Strategy 2010 have been taken into account in the consideration of this application:

Joint Development Management Policies Document:

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM35 Proposals for main town centre uses
- Policy DM41 Community Facilities and Services
- Policy DM46 Parking Standards

Forest Heath Core Strategy 2010

- Core Strategy Policy CS1 - Spatial Strategy
- Core Strategy Policy CS5 - Design quality and local distinctiveness

Other Planning Policy:

8. National Planning Policy Framework 2012

Officer Comment:

Principle

9. Planning permission has recently been granted under DC/17/0790/FUL for the premises, which at present are underused, to change use from Sports Pavilion (D2) to Restaurant/Cafe (A3) subject to conditions. The Social Club including changing facilities will remain unaltered and will not be affected by this proposal. It was therefore Officer's view that the proposal would not result in loss of community facilities, in accordance with policy DM41. Planning permission DC/17/0790/FUL is extant and can be implemented, the principle is therefore established and is a material planning consideration.

Design and Layout

10. Condition 2 required the development to be carried out in complete accordance with the approved plans. This variation application proposes an additional entrance at the front of the building (west), facing away from the nearest residential properties, for customers to access the premises from the front without having to go round the building through the existing covered area to enter from the rear/ bowls green. This new entrance will provide a more suitable entrance to customers. Within the context of the scheme, this change is very modest and as a result its impact on the character and appearance of the building, the character and appearance of the area or upon the amenities of nearby residential properties will be immaterial.

Residential Amenity

11. The variation further seeks to marginally extend the current opening hours by one additional hour to allow for the opening of the premises one hour later on weekdays, weekends and bank holidays until 10pm and 11pm respectively.

The hours currently approved:

'11:00-21:00hrs Monday to Friday,
11:00-23:00hrs Saturdays,
11:00 - 21:00hrs on Sundays and Bank Holidays'

These would change to:

'11:00-22:00hrs Sunday-Thursday,
11:00-23:00hrs' Friday, Saturday and Bank Holidays'.

12. This change is justified by the applicant to make the restaurant use commercially viable. The proposal means that the restaurant could open one hour longer on weekdays until 10pm and until 11pm on Friday, Saturday and Bank Holidays. This is consistent with opening hours of other restaurants and take-aways within the town centre of Mildenhall.
13. Objections have been received from three nearby properties in Turnstone Close. The comments and concerns raised are noted and partly relate to existing issues with the use of the Social Club. Whilst the current proposal should not make the existing situation worse, the current proposal for variation of conditions has to be considered on its own merits and should not be prejudiced by existing issues on an adjacent, associated site.
14. It must be reiterated that this is a variation application to an extant planning permission and the principle is therefore established. However, the nearest properties are at least 33m away from the subject building. Given the separation, it is considered that noise and odour emissions can reasonably be controlled through conditions, i.e. restricting the opening hours, delivery times and times during which bins can be emptied. Details for extract ventilation to prevent odour nuisance will have to be submitted to and approved prior to the first use of the site. Outside seating is not proposed. This, as well as a dedicated smoking area can be secured by condition. Moreover, the Social Club and Sports Pavilion permitted under F/2008/0269/FUL, condition 18 restricts the opening hours as follows:

Sunday to Thursday 11:00 to Midnight

Friday and Saturday 11:00 to 01:30, with all music to be stopped by 01:00 and the premises cleared by 01:30 of all patrons.

New Year's Eve 11:00 to 01:30, with all music to be stopped by 01:00 and the premises cleared by 01:30 of all patrons.

Bank Holiday Sundays 11:00 to 01:30, with all music to be stopped by 01:00 and the premises cleared by 01:30 of all patrons.

The proposed extended opening hours are thus still less than what the social club *and* sports pavilion are allowed to open at present. The recommended conditions below have been drafted in discussions with Public Health and Housing, who, subject to these conditions, have no objection to the proposal.

15. Based on the above, officers are satisfied that the residential amenity of the occupants of existing properties would not be compromised by what is proposed, subject to conditions.

Other matters

16. Neighbours raise concerns in regards to parking and that there is no need for a further restaurant in the town centre of Mildenhall.
17. It is not considered that the change of opening hours or provision of an additional entrance will have implications in terms of parking and highway safety. This matter has been considered under application DC/17/0790/FUL. Officers were satisfied that the proposal, due to its sustainable location close to the town centre would not have a significant impact on highways safety to justify refusal. SCC Highways had no objection to the change of use or this variation application subject to parking being provided as shown in the submitted plans prior to the first use of the premises as a restaurant.
18. Whilst the need for a further restaurant is not relevant for the proposed variation, there is no policy within the Council's local development plan or national policy which generally limits the permissible number of restaurants within a certain area. Under the full application the proposal was assessed against policy DM35 'Proposals for Main Town Centre Uses' and given its edge of town centre location was considered to comply with the aims of that policy, which seeks to direct main town centre uses, including (inter alia) A1, A2, A3-A5, in the defined town centres and edge of town centre locations.

Conclusion:

19. The proposed additional entrance door and extended opening hours are not considered to result in a material change to the character and appearance of the building or area, nor would the reasonably later opening hours have an adverse impact on residential amenities to justify refusal. As such the proposal is recommended for approval subject to the conditions previously imposed and as set out below.
20. In conclusion, whilst the concerns of residents are noted, for the reasons detailed above, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

21. It is recommended that planning permission be **APPROVED** subject to the following conditions:
1. NS time limit
 2. NS Approved plans (amended)
 3. NS plant, machinery and equipment details
 4. NS operational hours
 5. NS delivery times

6. NS Bin empty times
7. NS background music only
8. NS hours of construction
9. NS parking prior to first use
10. NS smoking area – details to be submitted
11. NS No external seating

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/17/2052/VAR](#)