

EAST AREA COMMITTEE MEETING – 29TH NOVEMBER 2012

Amend De-Brief Note

PLANNING APPLICATIONS

CIRCULATION: First

ITEM: APPLICATION REF: 12/1071/FUL

Location: Mickey Flynn's Pool & Snooker Club,
103 Mill Road

Target Date: 15.10.2012

To Note: A statement on behalf of Dawecroft Ltd, the owners of the application site, has been submitted in response to the officer's report. The statement is attached to this amendment sheet.

Amendments To Text:

Pre-Committee Amendments to Recommendation:

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 12/0906/FUL

Location: 191 Mill Road

Target Date: 19.09.2012

To Note: No further update.

Amendments To Text: no amendments.

Pre-Committee Amendments to Recommendation: No amendments.

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 12/0967/CAC

Location: 191 Mill Road

Target Date: 19.09.2012

To Note:

Amendments To Text:

Pre-Committee Amendments to Recommendation:

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 12/1132/FUL

Location: C B 1, 32 Mill Road

Target Date: 30.10.2012

To Note: The case officer, after discussions with the Waste Strategy Team, has concluded that the most appropriate means of handling waste storage on this site would be in 240 litre bins. These can be communal (10 would be required) and can be brought through to the street frontage on Mill Road on collection days. The plans show a configuration which would not involve any conflict between these movements and the café use on the ground floor. Setting out and retrieval of bins would require a management plan, which is covered by the suggested condition on waste storage.

Amendments To Text:

Pre-Committee Amendments to Recommendation:

DECISION:



**STATEMENT ON BEHALF OF DAWECROFT LIMITED TO ALL MEMBERS OF THE
CAMBRIDGE CITY COUNCIL EAST AREA COMMITTEE**

12/1071/FUL - PROPOSED CHANGE OF USE FROM POOL CLUB TO A1 (SHOPS), A2
(FINANCIAL AND PROFESSIONAL SERVICES), A3 (RESTAURANTS AND CAFES), AND A4
(DRINKING ESTABLISHMENTS) IN THE ALTERNATIVE.

MICKEY FLYNN'S POOL CLUB, 103 MILL ROAD, CAMBRIDGE, CB1 2AZ

Dawcroft Limited is the owner and operator of the Mickey Flynn's Pool Club which currently trades from 103 Mill Road, Cambridge. Dawcroft Limited has owned the Mickey Flynn's site for approximately 11 years, and purchased the property in a semi-dereict/dilapidated state when it had been vacant for a period approaching five years, having previously been occupied by a carpet retailer (an A1 retail use).

Under planning application reference 01/0862, Dawcroft Limited gained permission for a change of use of the property from the A1 retail use that then existed, to a Pool Club. Condition 2 of that planning permission limits the use to a members' only Pool Club, allowing no other use within Class D2 to trade from the premises without the express grant of planning permission from the City Council. The reason given for this condition within the relevant planning permission was "*to ensure that the levels of movements are within the levels anticipated in the application and not excessive for the area*". A further condition (No.4) limited the opening hours of the premises from 8am to midnight.

Dawcroft Limited also owns separate premises at 39b Burleigh Street, some 0.9km away from the Mickey Flynn's site, and this particular facility trades as WT's. WT's is a significantly larger Snooker and Pool Club than Mickey Flynn's, having a useable floor area of approximately 7,500 sq.ft. compared to 3,500 sq.ft. at the Mickey Flynn's site.

Facilities at Mickey Flynn's include: a fully licensed bar, 8 American Pool tables, 2 tournament standard English Pool tables, large screen TV's, internet café, and a video jukebox.

Facilities at WT's include: a fully licensed bar, 11 Snooker tables, 9 American Pool tables, a Poker Room, large screen plasma TV's, video jukebox, air conditioning etc.

At the time that Mickey Flynn's was purchased, in the year 2001, it was considered that the Snooker and Pool market locally was strong enough to sustain two clubs, albeit ones located in relative close proximity to one another (0.9km) and with Mickey Flynn's concentrating on Pool rather than Snooker



and Pool. Regrettably, however, the market for Snooker/Pool clubs has deteriorated markedly in recent years, and there has been a spate of Snooker/Pool club closures up and down the country.

It is a source of considerable regret to us that we have therefore taken the difficult but inevitable decision that there is not a viable long-term future for our business if we continue to operate two members' clubs offering cue sports in central Cambridge. For this reason, we have resolved to try and find an alternative use for the Mickey Flynn's site, enabling us to focus all of our energies, investment and activities on the WT's Club at 39b Burleigh Street, which not only is larger with a better range of facilities than exists at Mill Road, but where we also have planning permission to extend the premises by a further 3,000 sq ft relative to the existing situation (almost the equivalent floorspace of the current Mickey Flynn's operation).

As a business, however, we need resources to continue operating, and in consequence of this, our business plan sees rental income from the current Mickey Flynn premises at Mill Road subsidising the cost of continuing to operate the WT's club at Burleigh Street, and to therefore continue offering cue sports in Cambridge for the benefit of our many thousands of customers. We currently employ around 20 staff, some of whom work shifts, and we are determined to try and retain this level of employment, and indeed would expect to once all of our activities have been concentrated at the WT's site.

We are therefore naturally very disappointed that the application that is being reported to you at the East Area Committee later this week has been recommended for refusal. This does not appear to us to represent an appropriate acknowledgement of the circumstances of our business. The reality, however, is that the decline in revenue has been stark (31% in the last three years), and the position is clearly not sustainable with regard to running two clubs so close to one another.

There is a distinct sense of irony that, when we rescued the property from rack and ruin over a decade ago, it was in Class A1 retail use. When planning permission was subsequently granted to allow us to operate as a Pool club, the permission was limited so that we could only use it for such purposes, and for no other purpose within Use Class D1. There is therefore a restricted market for the property, and yet one of the reasons being given by the Planning Officer for recommending refusal is that the proposal will lead to the loss of a "leisure facility". That is factually incorrect, as it will lead to the loss of a Pool club on Mill Road, albeit one that will be fully mitigated by the presence of a nearby snooker club at WT's, which all existing members of Mickey Flynn's automatically have membership of (Dawcroft offer single memberships that apply to both clubs simultaneously).

A further irony is that, having regard to current Local Plan Policy which seeks to focus Class A uses within District and Local Centres (including Mill Road west), if we were needing to make an application today to change the use of the premises from Use Class A1 into a D1 Snooker Club, then permission would not be forthcoming, if policy were strictly applied.

We therefore have a situation whereby we require a planning consent for uses in the alternative, to allow the property to be re-let and therefore used beneficially, and to help to subsidise/fund the continuation of cue sports activity at the WT's site. We find it hard to understand that we should not be permitted to use a significant business asset we own (Mickey Flynn's) to sustain and help develop our own business and long-term commitment to Cambridge in way that will hopefully result in cue sports being available to our customers for many years to come.

It may be a controversial statement, but it seems to us that this application has primarily suffered due to the "Sainsbury's Factor". As you will recall, planning permission was refused last year by your Committee for the change of use of the property to a small supermarket to be occupied by Sainsbury's. Whilst we were clearly the ultimate beneficiaries of that proposal (Sainsbury's would have paid us rent), it seemed pretty clear to us as local people who are well connected in the area, that the principal concern with that proposal was to do with Sainsbury's as an operator (threatening the "independence" of Mill Road), rather than because there was a concern *per se* regarding further Class A1 shopping space in Mill Road, a use which your own Local Plan after all positively supports. In this regard, it is of note that there were approximately 4,500 objections to the Sainsbury's application, whereas for our own application now submitted for uses in the alternative, there are only around 40. Interestingly, having reviewed the addresses of those who have objected to our latest application, it may be pertinent to observe that only about one quarter of those objecting are existing Mickey Flynn's club members. This being so, we are at a loss to understand why or how these limited number of objectors can potentially hijack the planning process by arguing against a loss of leisure space, when so few of them avail themselves of that space in the first place and/or are members of our WT's club.

There are a few other points that I would like to get across to you all, which are raised in your Officer's Committee Report, and I would be grateful if you could consider these further before making a decision. The points are as follows:

- The first suggested reason for refusal criticises us as applicants because we have failed to demonstrate that WT's at 39b Burleigh Street would "constitute another appropriate premises of similar or improved accessibility". We reject that assertion completely. Our clientele is drawn from all over Cambridge (see attached plan), albeit we have a concentration of customers who are students, and therefore who are somewhat transient within the City. We are aware of this because when the students are not in Cambridge, our custom 'falls off a cliff', and it is obvious from the age profile of those using our clubs that a high proportion of them drawn from the student community. The plan attached shows that just under 50% of our Members are from the CB1 postcode, where both Mickey Flynn's and WT's are situated, with the balance being from other parts of the City.

- WT's is less than 1km distant from Mickey Flynn's. According to Google Maps®, this means that it is approximately a 12 minute walk from Mickey Flynn's, or a 5 minute cycle ride. It is extremely difficult in these circumstances to conclude with much of our clientele drawn from across the City (and beyond), that the WT's premises would not enjoy similar accessibility to Mickey Flynn's.
- There seems to be a residual concern that, even in its existing form, WT's may not be able to cope with all the demand for Snooker and Pool play from the combined membership from WT's and Mickey Flynn's. This point of view is rejected entirely. A simple way of making clear that this would not be the case is to disclose that the combined turnover in the current financial year from Mickey Flynn's and WT's is less than the turnover back in 2004 (our busiest year on record) of WT's in isolation. As operators of the two clubs, we are completely confident that WT's is sufficiently large, and has enough tables (it has 20 tables in total) to cater for all the demand likely to arise from the existing clientele from both WT's and Mickey Flynn's. Added to this we have permission to replace the 'lost' space at Mickey Flynn's at WT's which we will seek to do if prudent in financial terms in the future.
- Another criticism is that WT's is at first floor level, and has no lift access although the Committee Report does acknowledge that such access is planned for the future. Unfortunately, the current layout and arrangement at the WT's club "is what it is" and reflects the fact that there is a single, modest entrance to the premises directly from Burleigh Street. This is an access which takes the form of a staircase straight up to first floor level from the street, and which is relatively narrow, with no opportunity at this time to widen it or improve it. The aforementioned planning permission for extensions to WT's will however bring about the possibility of incorporating lift access to the upper floor (indeed the approved plans indicate this), and subject to the market improving and the Dawcroft business being stabilised, it will be our intention to proceed with these works at the earliest possible opportunity. As it happens, we have never had complaints regarding disabled access to the WT's club, and where necessary, our staff have been able to assist customers in gaining access when that has been sought.
- In the Committee Report, your Officer relies extensively on the recent publication of the National Planning Policy Framework (NPPF), and the recent appeal decision concerning the Royal Standard Public House, to argue that the loss of a leisure facility requires special justification, having regard to the terms of Paragraph 70 of the NPPF. In the opinion of your Officer, this requires a demonstration that all attempts have been made to retain the space concerned, where space is valued and is required to enable the local community to meet its day to day needs.

- With respect to your Officer, we do see a considerable distinction between a members only Pool club, and a public house which, as the name suggests, is open to the public at all times (subject to licensing).
- In any event, despite the assertion that the future need or demand for the premises to be kept in leisure use can only be fully determined if the premises are marketed for alternative D1 use, we would point out that neither Local Plan Policy 6/1 nor the NPPF expressly require premises to be so marketed. In any event, marketing premises is not a demonstration of need or demand, merely whether there is a potential occupier who would be willing to take the commercial risk to operate premises in the current economic climate. It does not appear to us that in this case there has been any attempt by the Council to properly gauge the extent of value that the community places upon Mickey Flynn's but, as indicated above, we note that only a tiny proportion of objectors to this latest application are members of the club (we have 13,500 registered members). This further reinforces our view that as far as the loss of leisure use is concerned, the local community is pretty agnostic, and that their main concern relates to the alternative uses to which the property might be put, despite the fact that these are in accordance with Local Plan policies encouraging Class A1 uses in District and Local Centres. Conversely, our Membership is not troubled because they can see that provision will continue to be made at WT's which will satisfy their needs.
- With regard to the suggested second reason for refusal, we find it very odd that Mickey Flynn's is being "singled out" for a treatment which is not consistent with what applies to other commercial premises in Mill Road. The existing planning permission at the site for Mickey Flynn's allows for collections and deliveries between 0700 hours and 2300 hours on Monday to Saturday. The surrounding area is within a controlled parking zone, and there are loading/and loading restrictions on both sides of Mill Road. These are as follows:
 - North side – no loading between 0830 and 2000 Monday to Saturday;
 - South side – no loading between 0815 and 0915 and 1700 and 1800, Monday to Saturday.
- The servicing and delivery arrangements for the proposed uses would be identical to those for other premises on Mill Road, and would need to take place within the current loading restrictions that are in place.
- Accepting, however, that this was a key issue with the previous (Sainsbury's) application, we have suggested a condition that would further restrict delivery times at the proposed use as follows:

No servicing or deliveries shall take place at the Mill Road site frontage between the hours of 2300 to 0700 and 0830 to 2000 on any weekday or Saturday.

This approach would allow for a 1.5 hour delivery period in the early morning, and a three hour period in the evening.

- A planning condition of this nature would ensure that deliveries to the application site take place outside peak vehicle and cycle traffic flows on Mill Road. It would also mean that there would be sufficient carriageway width to enable servicing and deliveries to take place on Mill Road without impacting on other road users.
- The third suggested reason for refusal expresses concern that uses falling with Classes A3 or A4 could operate on the site without the individual and cumulative impact of both they and their environmental problems being assessed, in conflict with Local Plan Policy. It seems strange to us that Local Plan Policy 6/7 encourages these uses within Local and District Centres, and yet when one seeks to test the principle of those uses by way of an application, a refusal can result. In our view these matters are capable of being dealt with by condition, and that should be the way forward.
- Finally, we find the fourth and final suggested reason for refusal perverse. The Officer seeks to resist a Class A1 use (or indeed other uses) over and above the current D1 use on the site. Yet this refusal reason suggests that, were the premises to be put into A1 use, there would then be a concern that it could fall out of A1 use without a requirement for planning permission. This further highlights the rather bizarre nature of the decision that is being promoted to you, and we would urge you to have a rethink.

In summary, we are a local business operating from our premises in Burleigh Street and Mill Road, and unfortunately, for financial reasons, and having regard to our determination to maintain an outlet of high quality for cue sports in Cambridge, we have a requirement to rent out our Mill Road premises in order to make our ongoing business at Burleigh Street viable in the medium to longer term. We are seeking planning permission with this in mind, and do not anticipate that Mickey Flynn's will remain open beyond June 2013, whatever happens with this application (this being when students leave Cambridge). We would very much hope that planning permission could be granted for the proposed uses so that the premises can then be marketed to rent, and we would be very hopeful in finding a tenant (not certain in the current climate) which would be of considerable assistance to our business. We have no pre-conceptions about who would occupy the premises and would instruct our Agents to market on an All Enquiries basis. We employ around 20 people, and wish to continue doing so in the longer term, and simply wish to be treated fairly as other businesses might be in the City. With this in mind, we very much hope that you will be able to support our application, despite your Officer's



recommendation of refusal. The consequences for us if permission is not granted would be very serious from a business point of view.

Stephen MacNamara

Director

Dawcroft Ltd.

27.11.12

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Page 9
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COMPANY REG. NO. 2916633

WT's 39B BULLFINCH STREET

MICKEY FLYNN'S

103 MILL ROAD

User contribution

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CB districts

Postcode districts in the CB postcode area

Rating

Content from en.wikipedia.org

- CB1**
CB1 postcode district
Perimeter: 15.11 miles
Area: 6.72 sq miles
- CB2**
CB2 postcode district
Perimeter: 12.36 miles
Area: 4.19 sq miles
- CB3**
CB3 postcode district
Perimeter: 16.22 miles
Area: 7.98 sq miles
- CB4**
CB4 postcode district
Perimeter: 8.94 miles
Area: 4.25 sq miles

MICKEY FLYNN'S MEMBERSHIP DRAWN FROM :-

CB1 - 49% CB2 - 7.5% CB3 - 4.6%

CB4 16.2% CB5 6.3%

CB OTHER 3.8% OTHER 10.6%

MICKEY FLYNN'S
103 MILL ROAD