

DRAFT

Agenda Item \_\_\_\_\_

CAMBRIDGE CITY COUNCIL

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REPORT OF: Head of Planning Services

TO: Main Planning Committee      DATE: 02/05/12

WARDS: All

**PLANNING ENFORCEMENT CONTROL – PLANNING  
CONTRAVENTION REPORT**

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**The Former Howard Mallett Centre/Citylife House, Sturton Street,  
Cambridge.**

**Without planning permission, material change of use from use as  
broadcasting studio, cafe-bar and multi media education centre,  
and community facility (sui generis) to a gymnasium D2 Assembly  
and Leisure.**

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**1. INTRODUCTION:**

Site: Howard Mallett Centre, Sturton Street,  
Cambridge

Alleged Breach: Without planning permission, material change of  
use from a sui generis use as broadcasting  
studio, cafe-bar and multi media education  
centre, and community facility to a D2 Assembly  
and Leisure use as a gymnasium.

Owner/Occupier: The Allia Group

Purpose of Report: To consider whether it is expedient to initiate  
formal enforcement action in respect of the  
alleged breach of planning control.

## 2. PLANNING HISTORY:

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
65/0056	Erection of youth club	Approved
67/0446	Three temporary buildings	Approved
68/0471	Retention of three temporary buildings	Approved
90/0073	Retention of six temporary buildings	Approved
90/0678	Use for car parking	Refused
92/0056	Erection of ramp and replacement wall	Deemed consent
93/0056	Retention of temporary buildings	Deemed consent
95/0367	Retention of temporary buildings	Approved with conditions
96/0221	Erection of ramp	No objection
96/0519	Alterations to front	Withdrawn
97/1020	Change of use from youth club to studio / café-bar / multi-media education centre and community facility (sui generis)	Approved with conditions
99/0223	Telecoms aerials	Withdrawn
99/0454	Illuminated signage	Approved with conditions
99/0956	Temporary change of use to winter nightshelter	Withdrawn
03/1226	Installation of 1no non-illuminated marketing board.	Refused
05/1171	Change of use from studio / café-bar / multi-media education centre and community facility (sui generis) to public open space	Approved with conditions
05/1180	Demolition of Howard Mallett Centre	Approved with conditions
06/0631/CAC	Conservation Area Consent application	Withdrawn
06/0567/FUL	Erection of a community innovation centre.	Refused and dismissed at appeal

## 3.0 BACKGROUND

- 3.1 The site lies adjacent to St Matthew's Piece in Petersfield Ward. It is bounded on the east side by York Street, on the north side by New Street, on the west side by Sturton Street, and to the south by open space (St Matthew's Piece). The areas to the east, south and west of the site are primarily residential. The area to the north is a mixed use area, which includes light industrial and retail uses as well as houses, flats and student accommodation.
- 3.2 The Howard Mallett Centre is a low, flat-roofed building measuring 38m x 29.5m. It rises 5.7m above the street level on Sturton Street, and is predominantly single storey. The north and west facades are of darkened glass, the east and south facades of brick. It was opened in 1968 as a youth club. This use had ceased by 1996. Parts of the building were later used by Parkside Community College. From 1998 to 2005 it was leased to Dawe Media for use as a multi-media centre during which time community use has been limited. The permitted use of the building is as a broadcasting studio, cafe-bar and multi media education centre, and community facility (sui generis).
- 3.3 The site lies wholly within the City of Cambridge Conservation Area No.1 (Central), as extended in June 1993. The northern and eastern boundaries of the site also form the boundary of the conservation area.
- 3.4 The planning enforcement section received a complaint in April 2011, in which it was alleged that several breaches of planning control were taking place, which included the material change of use of part of the building to a gymnasium.
- 3.5 During a site visit made on 13 April 2011 it was confirmed that a large area of the building was in use as a gymnasium. In addition, a number of other breaches of planning control were identified which included illegal advertisements, the stationing of a mobile food van in contravention of condition 5 of reference C/97/1020/FP and a further breach of condition 5 of reference C/97/1020/FP relating to the commercial use of the car park.
- 3.6 Negotiations were undertaken to remedy the breaches of planning control, and compliance was undertaken in relation to all points, with the exception of the gymnasium use.

- 3.6 In January 2012 representatives of Allia requested a meeting with the Head of Planning and the Enforcement Team. During the meeting Allia explained that the gymnasium use provided an important source of income for the charity owned premises, and that they hoped to submit a planning application to develop the entire site in the near future. Officers outlined the options available to the owners, which included the submission of a retrospective planning application for change of use of part of the premises for consideration. The owners advised that this was not a suitable option for them as they considered it could raise issues in relation to their intentions to develop the site in the near future.
- 3.7 During the same meeting officers advised that a report was intended to be taken to committee seeking authority to pursue formal enforcement action to remedy the outstanding breach of planning control. The agent working on behalf of the owners requested that a representation be added to the report from the owners. This was agreed to, but at the time of writing the report no submissions had been received.

#### **4.0 POLICY AND OTHER MATERIAL CONSIDERATIONS:**

- 4.1 Planning Policy Guidance 18: Enforcing Planning Control states that a local planning authority may issue an enforcement notice where it appears to them that there has been a breach of planning control and it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.
- 4.2 In order to issue an enforcement notice there must be sound planning reasons to justify taking such action.
- 4.3 The unauthorised development in question would be contrary to development plan policy, in respect of Local Plan Policy 5/11, which seeks to protect existing community facilities. The tests set by this policy are:
- “a - the facility can be replaced to at least its existing level and quality within the new development; or
  - b - the facility is to be relocated to another appropriate premises or site of similar accessibility for its users; or
  - c - that there is no longer a need within the local community for the

facility or that the need can be adequately met at an alternative facility of similar accessibility for its users.”

The developer has failed to demonstrate that the existing community facility has been replaced elsewhere in the City and that there is no longer a community need within the locality. The development is therefore contrary to Policy 5/11 of The Cambridge Local Plan 2006.

## **5.0 RECOMMENDATIONS:**

5.1 It is recommended that the Head of Legal Services be authorised to issue an enforcement notice under the provisions of S172 of the Town and Country Planning Act 1990 (as amended), for Without planning permission, material change of use from a sui generic use as broadcasting studio, cafe-bar and multi media education centre, and community facility to a D2 Assembly and Leisure use as a gymnasium.

## **6.0 STEPS TO COMPLY:**

6.1 To cease the use of the planning unit as a D2 gymnasium use.

## **7.0 PERIOD FOR COMPLIANCE:**

7.1 6 months.

## **8.0 STATEMENT OF REASONS:**

It appears to the Council that the breach of planning control has occurred within the last ten years.

Mindful of the advice contained in DoE Circular 10/97 and Planning Policy Guidance Note 18 and to the development plan policies mentioned above and to all other material considerations, the Council consider it expedient to serve enforcement notices in order to remedy the clear breach of planning control.

Consideration has been given to Human Rights including Article 1 Protocol 1 (protection of property), Article 6 (a right to a fair hearing within a reasonable time), Article 8 (right to respect for private family life) and Article 14 (prohibition of discrimination). It is considered that an enforcement notice would be lawful, fair, non-discriminatory, and necessary in the general public interest to achieve the objective of upholding local planning policies, which seek to protect community facilities. The time for compliance will be set as to allow a reasonable period for compliance.

## 9.0 IMPLICATIONS

- (a) **Financial Implications - None**
- (b) **Staffing Implications** (if not covered in Consultations Section)-  
**None**
- (c) **Equal Opportunities Implications-None**
- (d) **Environmental Implications- None**
- (e) **Community Safety-None**

**BACKGROUND PAPERS:** The following are the background papers that were used in the preparation of this report:

P700/C –5231- The Howard Mallett Centre

To inspect these documents contact Alison Twyford on extension (45)7163

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Report file:

Date originated: 24 April 2012

Date of last revision: 24 April 2012