

Alison Twyford  
Planning Enforcement Officer  
Cambridge City Council  
The Guildhall  
Cambridge  
CB2 3QJ

The Future Business Building  
Cambridge City Football Club  
Milton Road  
Cambridge  
CB4 1UY

30<sup>th</sup> April 2012

Dear Alison

**POTENTIAL ENFORCEMENT NOTICE – FORMER HOWARD MALLET CENTRE (NOW CITYLIFE HOUSE),  
STURTON STREET, CAMBRIDGE**

I refer to your recent exchanges of emails with our Planning Agent, Colin Brown, of Januarys, and to the Report which you have prepared for consideration by the Planning Committee at its meeting next Wednesday, 2<sup>nd</sup> May.

We note your assertion that there is a breach of planning control at the former Howard Mallet Centre, due to the fact that there is a D2 Assembly and Leisure use currently taking place in the form of a gymnasium use. We further note that you assert that it is expedient for Cambridge City Council to take Enforcement Action to secure cessation of that use as its presence has displaced a community activity contrary to the requirements of Local Plan Policy 5/11.

Whilst Allia's position is that it will of course comply with the terms of any Enforcement Notice, it does believe that the following considerations ought to be taken into account:

1. Your Report to Committee confirms that the lawful planning use of the former Howard Mallet Centre is a "sui generis" use, being for a broadcasting studio, café bar and multi-media education centre, and community facility. This is in accordance with the permission which was granted under Planning Application Reference 97/1020/FP, which was granted to Dawe Media.
2. It is our understanding that the reason why the overall use of the building was deemed to be "sui generis" was because what was approved was an agglomeration of uses within an individual building envelope, and because no individual element dominated, the use was essentially a hybrid or "sui generis" use.
3. Your Committee Report confirms, at paragraph 3.2, that from 1998 to 2005 the former Howard Mallet site was leased to Dawe Media for use as a multi-media centre, and that during this time community use was limited.

4. As you will be aware, following its purchase of the site in January 2006, this organisation made a planning application in June 2006 to demolish the former Howard Mallet Centre and to erect in its place a Community Innovation Centre. That application was approved and written confirmation of Full Planning Permission 06/0567/FUL was dated 14.12.06. On application of Anna Lindsay for judicial review that permission was quashed in the High Court in July 2007. It was reconsidered by the Council's Planning Committee in January 2008, when permission for the development was refused contrary to the Officer's recommendation of approval.
5. In the Officer's report to Committee (in January 2008), at paragraph 9.8 it is commented that, *"following a number of changes in the use of the Howard Mallet building, the extent of community or leisure use of the building in recent years has been very limited; the building is not well suited to such uses in the modern era, and suffers particularly from a number of inconvenient and restricting changes of level. If the building can be regarded as a community facility or a leisure facility at all, it is of poor quality in both respects."* This comment was made in the face of representations from third parties that the proposed development was going to result in the loss of a community facility, contrary to Local Plan policy.
6. What this demonstrates very clearly, is that right through until January 2008 it had been accepted by the City Council that the level of community usage within the building was nominal. It has remained nominal since that time. Although for a period a modest amount of space within the overall building was used by a Chinese community group, this represented a small proportion of the overall floorspace within the building.
7. Earlier references to very limited community use within the building, even during the period of occupation by Dawe Media (and indeed subsequently) was, with the exception of limited use by the Chinese community, limited to a single room at mezzanine level on the southern elevation of the building. This was a single room extending to approximately 25 sq.m. The position today is that the Chinese community use has now ceased within the building completely, and the former community space is now occupied by Cambridgeshire County Council.
8. It is also the case that, from time to time, community groups made use of the main hall (which reflects the space the subject of the proposed Enforcement Notice), however that was very much on an occasional basis, and for limited periods (an hour here or there), and the gymnasium use has been the primary use of this space throughout Allia's period of ownership.
9. Allia has, in any event, re-provisioned the 25 sq.m. of dedicated community space that was present within the building to a property which it leases at Norfolk Street, where it has provided a community hall and other community space, and accordingly there is no community usage whatsoever of the former Howard Mallet Centre at this time.
10. Consequently, the picture is of a limited and declining amount of community usage going back over the last 13/14 years, acknowledged in Committee Reports and elsewhere by the City Council, and now, currently, there is no community use i.e D1 use, within the building

whatsoever. In light of this, it seems rather strange to us that a use which is quite happily taking place within the building, we believe without causing a nuisance, and which provides some limited recreational opportunities for the community, should be the subject of an Enforcement Notice in this way. The Committee Report does not really spell out the harm of retaining this use, other than an alleged conflict with Local Plan Policy 5/11 on account of loss of community usage of the former Howard Mallet Centre. As indicated above, this is simply not the case.

11. I think you and Members probably know that Allia is a charitable social investment intermediary that creates investment vehicles to raise finance for organisations delivering social impact. The organisation seeks to provide business space and to raise funding for employment initiatives through local campaigns in communities around the UK and it is commensurate with the charity's ethos to facilitate usage of its accommodation by members of the local and wider community, primarily by social enterprises. Some of Allia's income derives from the letting of space within properties that it occupies, and therefore the "offending" gymnasium use contributes to the charity fulfilling its wider objectives. It would be disappointing to the charity if this use were to be required to cease, but as indicated above, we would not wish to contest an Enforcement Notice, and would naturally comply with its terms should the Planning Committee be minded to endorse that one be served. If that is the wish of the Planning Committee, then we will immediately serve the occupiers of the gymnasium Notice to Quit, and they will then vacate the premises in accordance with the requirements of any Enforcement Notice.

I hope this helps to explain Allia's position on this matter. Whilst we are aware that you have invited us to consider the submission of a retrospective application, this is not something that we wish to do, as we have imminent proposals to redevelop the site. To this end, the gymnasium use is only temporary (albeit established for some time), and we would not wish to spend the charity's precious resources in pursuing planning at this time.

Thank you for your consideration in this matter.

Yours sincerely