

---

<b>Application Number</b>	12/0342/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	16th March 2012	<b>Officer</b>	Miss Sophie Pain
<b>Target Date</b>	11th May 2012		
<b>Ward</b>	Coleridge		
<b>Site</b>	34 Clifton Road Cambridge CB1 7EB		
<b>Proposal</b>	Temporary permission for a change of use from B1 (business), B2 (general industry) and B8 (storage and distribution) to a D2 Use (assembly and leisure).		
<b>Applicant</b>	Mr Edward Baring 12A Thrifts Walk Cambridge Cambridgeshire CB4 1NR United Kingdom		

---

SUMMARY	<p>The development does not accord with the Development Plan for the following reason:</p> <p>The proposed temporary change of use from B1 (c), B2 or B8 to a D2 use would result in the loss of floorspace of B1 (c), B2 or B8 within a protected industrial/storage site as designated in the Cambridge Local Plan 2006, and does not seek to re-provide this floorspace elsewhere on the site. This proposal is contrary to policy 7/3 of the Cambridge Local Plan 2006.</p> <p>The proposed temporary use will result in a conflict between the existing industrial vehicular traffic of the estate and future child pedestrians and cyclists, who are using the Little Gym. While these children will be accompanied by an adult, there is a lack of sufficient evidence or information within the Transport Statement for the Highway</p>
---------	---

	<p>Authority to be certain that children using the proposed facility will not be at risk from harm while walking or cycling to or from the application site.</p> <p>In the absence of a S106 planning obligation to secure the provision of transport infrastructure provision, the proposal is contrary to Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1, P9/8 and P9/9, Cambridge Local Plan (2006) policies 8/3 and 10/1 and the Planning Obligation Strategy 2010.</p>
RECOMMENDATION	REFUSAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 Clifton Road Industrial Estate lies to the east of Hills Road and the London to Kings Lynn railway line. The estate is north of Cherry Hinton Road and west of Rustat Road, taking its access from Cherry Hinton Road. It comprises a spine road with some units facing the road itself and some in small courtyards served by spurs off the main road. The site is classified in the Cambridge Local Plan 2006 as a Protected Industrial Site for B1(c), B2, B8 uses only. Land to the east of the site is residential.
- 1.2 Unit 34 is on the north-east bend of Clifton Road, facing Clifton Road itself. In this row of units there are three blocks, which are effectively semi-detached industrial units. They are orientated so that three of them face southwards and six units, face northwards. The unit is currently vacant, but was previously occupied by a light industrial and office use.
- 1.3 The site is not within a designated Conservation Area.

## 2.0 THE PROPOSAL

- 2.1 The applicant seeks planning permission from B1(c), B2 and B8 uses to a D2 use for a temporary period of 3 years.
- 2.2 The D2 use is known as The Little Gym and offers activities focused on music, movement and learning to children aged

between 4 months and 12 year. From one year upwards, the focus is more towards non-competitive gymnastics. This business would be a franchise of a larger company that has approximately 300 Little Gyms worldwide, 7 located in the UK, 4 within London boroughs and the remaining three in Harpenden, Harrogate and Bishop's Stortford.

2.3 The aspiration for the owner is to operate 7 days a week, once demand grows with classes during the week operating between 9:30 am and 6 pm and 9 am to 4 pm on Saturdays and 2 pm to 4:30 pm on Sundays. Class capacity for most classes is 12 children with some increasing to 18 children for younger ages. Classes would be scheduled with a 15 minute break between classes in order to reduce possible car parking pressures.

2.4 The application is accompanied by the following supporting information:

1. Planning Statement

2.5 The application is brought before East Area Committee because in the opinion of Officers there are special planning policy reasons that should be considered by Members of the Committee.

### **3.0 SITE HISTORY**

3.1 No site history.

### **4.0 PUBLICITY**

4.1 Advertisement:	No
Adjoining Owners:	Yes
Site Notice Displayed:	No

### **5.0 POLICY**

5.1 See Appendix 1 for full details of Central Government Guidance, East of England Plan 2008 policies, Cambridgeshire and Peterborough Structure Plan 2003 policies, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

## 5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
East of England Plan 2008	E1 E2 T9 T14 ENV7 WM6
Cambridge Local Plan 2006	3/1 3/4 6/2 6/3 6/4 6/6 6/7 6/8 6/9 6/10 7/3 8/2 8/6 8/10

## 5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 Circular 11/95
Supplementary Planning Documents	Sustainable Design and Construction Waste Management Design Guide
Material Considerations	<u>Central Government:</u> Letter from Secretary of State for Communities and Local Government (27 May 2010) Written Ministerial Statement: Planning for Growth (23 March 2011)
	<u>Citywide:</u> Cycle Parking Guide for New Residential Developments
	<u>Area Guidelines:</u> Northern Corridor Area Transport Plan Southern Corridor Area Transport Plan

	Eastern Corridor Area Transport Plan Western Corridor Area Transport Plan
--	--

## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Engineering)

- 6.1 The transport statement makes no reference to the accident history on Clifton Road. The environment of Clifton Road and the traffic makeup would be a less than ideal environment for child pedestrians and cyclists and therefore support of the application is not forthcoming.

2<sup>nd</sup> Comments (28<sup>th</sup> May 2012).

Following the submission of further data for a 24hr all trip mode and evidence that children would not be walking or cycling alone, the Highway Authority remain concerned about the conflict of users with the proposed temporary use and that Southern Corridor Area Transport contributions would be required.

### Head of Planning Policy

- 6.2 A temporary change of use would still be contrary to policy 7/3 of the Local Plan.

The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## 7.0 REPRESENTATIONS

- 7.1 The owners/occupiers of the following addresses have made representations:

- Unit 36, Clifton Road

- 7.2 The representations can be summarised as follows:

- Unit 36 backs onto the application site and there is concern that any adverse amount of noise for the

proposed use would have an adverse effect on their ability to work and trade.

- Subsequent comment on 16<sup>th</sup> April 2012 that a noise test had been run and that subject to the volume being no louder than the level used in the demonstration, the occupier of unit 36 is willing to withdraw their objection to the application.

7.3 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

## **8.0 ASSESSMENT**

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of development
2. Disabled access
3. Amenity of neighbouring business
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Third party representations
8. Planning Obligations Strategy

### **Principle of Development**

8.2 Policy 7/3 states that development, including changes of use that result in loss of floor space within Use Classes B1(c), B2 or B8 will not be permitted where the site is identified on the Proposals Map as a protected industrial/storage site. Clifton Road Industrial Site is a protected site and the proposed change of use does not seek to re-provide the same level of floorspace as that lost from the protected use classes.

8.3 These sites are protected because they provide a location where such uses can cluster together. As such, there is an established character of Clifton Road, which is industrial, with associated functions such as the movement of lorries, which are not attractive to other uses. Paragraph 7.20 of the Local Plan emphasizes that there is a danger that the range of job opportunities and services in the area could become limited. In

order to guard against this, the best industrial and storage sites in the City need to be protected.

- 8.4 A number of arguments in favour of allowing the change of use must be considered:

Benefits of the proposed use

- 8.5 Given the space requirements of Little Gym, the use of Unit 34 provides an ideal space. As part of the Planning Statement, there is a list of 31 premises that the applicant has considered. These properties are within a 20-mile radius of the City Centre and different types of units have been considered, but the reasons for rejection are mainly that the units are too small or that the proposed use would disturb offices below. I consider that these are all valid reasons and that the applicant has been broad in their consideration of alternative properties.
- 8.6 Supporting the application are enquiries for local parents about the Little Gym, which does support the argument that there is a local need for this facility. Furthermore, the business would employ 4 full time employees with the intention for this to increase to 7 or 8.
- 8.7 I acknowledge that there is a genuine demand for this facility, and that it would provide employment.
- 8.8 Policy 6/2 of the Local Plan is also of relevance as it refers to new leisure facilities, which a D2 use falls under. This policy states that development will be permitted if it improves the range, quality and accessibility of facilities; it is of an appropriate scale for the locality; and it would not have a negative impact upon the vitality and viability of the City Centre, including the evening economy. In my view, the proposal is in accordance with this policy.

Absence of demand for the site for industrial use

- 8.9 The Clifton Road Industrial Estate Report produced by Bidwells for this application states that upon coming to market in February 2011, the details for Unit 34 were sent to local commercial agents, selected occupiers in the area and applicants on Bidwell's database who were looking for between 2 – 5,000 sq ft within a 5 mile radius of Cambridge. Selected

applicants were then e-mailed in October 2011 and a follow up mail drop to 50 industrial occupiers undertaken in November 2011. The joint agent for the site, Jones LaSalle sent a trade mailer in November 2011 to the top 400 trade counter operations in the UK.

- 8.10 Despite these marketing attempts, there has been no interest in Unit 34. The report attributes this to the fact that the Industrial Estate is made up of two halves. The front half appeals to national trade occupiers who pay a premium for the prominent location; the back half, which are small units with lower rents, are more favourable to local occupiers. Unit 34 falls between the two halves and does not benefit from the prominent location, but is too large for local occupiers. The popular units on the estate are the smaller ones, up to 2,500 sq ft, one of which was on the market for only 1 month. Larger units such as 50 & 51 are still on the market (since Dec 2009) and are failing to attract interest despite offerings such as half rent for two years. This provides a rounded picture of the estate.
- 8.11 This unit is one of the newer ones that has come onto the market in February 2011. The commercial report for Clifton Road produced by Bidwells, clearly demonstrates that the demand for smaller units is present within the City and that if this is the case, there is no justification for why the larger units could not be sub-divided to meet this demand. This would mean that the units would be more likely to let, thereby retaining the demand for the units on the site and ensuring that the industrial uses are retained on these protected sites.

#### Desirability of bringing the unit into use

- 8.12 The use of unit 34 on a temporary period of 3 years has been put forward in this application. Given the difficulty in letting these larger units it would ensure that the unit would be let in the short term. To limit the permission to 3 years would mean that if the applicant sought a subsequent permission to extend this temporary period then it is likely to be under different policy circumstances with the adoption of a new local plan. The renewal of temporary permissions is not favourable, but if a new permission were forthcoming then it would be considered against the standing policy at the time.



- 8.13 Although a temporary permission would bring a vacant unit back into use, this is not without its downsides. If permission were forthcoming on a temporary basis then there is a real possibility that it could lead to an increased number of temporary changes on these protected sites. If there were units in a temporary use, then it would mean that the market would be less able to respond to the demand for such uses as it rises.
- 8.14 The introduction of non-industrial uses would change the nature of the industrial estate and has the potential to make them less attractive for industrial uses. A knock on effect would be that incompatible uses would be situated next to one another with the possibility that industrial uses have to relocate because of noise complaints by new occupants. Part of the reason that these uses were congregated together was so that they wouldn't disrupt other uses and the nature of their work and hours of service mean that there is no friction. The introduction of non-industrial uses, even on a temporary basis, could easily alter this balance.

Guidance in the National Planning Policy Framework (NPPF)

- 8.15 Paragraph 22 of the National Planning Policy Framework 2012 states that;

*Planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.*

- 8.16 I appreciate that the long-term protection of sites is not supported by the NPPF, but the Council has undertaken regular reviews of these allocated sites through the evidence provided in the Employment Land Review 2008 and the Cambridge Cluster Study 2011. Both of these studies identify that there is a short-term need for the protection of these uses.

8.17 Paragraph 14 of the NPPF states that:

Where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole: or
- Specific policies in this Framework indicate development should be restricted.

8.18 However, with regard to this issue, the development plan is not silent, not only is policy 7/3 of the Cambridge Local Plan 2006 specifically relevant to the consideration of this application, but, as I have indicated above, the Council has up-to-date evidence to support this policy.

#### Conclusion on the principle of development

8.19 Taking into consideration all arguments, I am not persuaded that this proposal demonstrates exceptional circumstances that allow a deviation from Local Plan policy, even on a temporary basis. In my view the harm caused by the loss of part of one of the few remaining areas of industrial space in the City (with its associated long-term loss of employment opportunities) would outweigh the benefits to users and the advantage of bringing the unit into use immediately.

#### **Disabled access**

8.20 The building is publicly accessible and should therefore give consideration to the needs of those with disabilities to ensure that the building is easily and safely accessible. The proposed use would need a wheelchair accessible toilet and the main doors would need to be asymmetrical with one having a clear opening to a minimum of 900 mm. If a recommendation of approval were forthcoming, then I would suggest a condition to ensure that this is provided prior to commencement of the use.

8.21 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/7.

## **Amenity of neighbouring businesses**

- 8.22 A neighbouring unit has been concerned about the noise of music associated with the proposed use. A sound trial has been undertaken with the neighbouring unit and they have withdrawn their objections if the level of music does not exceed that in the trial. This trial concluded that the volume would not be turned up beyond a certain point on the volume control. This is unsatisfactory in terms of enforcing a potential condition. Noise levels should be referred to in terms of decibels for the wording of a potential condition.
- 8.23 However, I do not consider it reasonable to ask for such a noise test and to subsequently condition such permission if it were forthcoming. The nature of this estate is that it is industrial and if a panel beater were to move into the unit, planning permission would not be required and as such, the noise it produces could not be controlled. I believe that the noise from the proposed use of the unit would be minimal and given that the applicant has been considerate in their previous rejections of other units on this basis, I do not consider that the amenity of the neighbouring industrial unit would be compromised.
- 8.24 In my opinion the proposal adequately respects the workplace amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

## **Highway Safety**

- 8.25 The Highway Authority are concerned that the transport statement makes no reference to the accident history on Clifton Road. Given that the estate has a large number of commercial vehicles that use the roads it makes a less than ideal environment for child pedestrians and cyclists. For this reason, their support is not forthcoming.
- 8.26 The applicants have argued that the all children who use the proposed facility would be accompanied by an adult whether they are cycling or their parents park within the multi – storey car park. The target age for the use is under 12 years old and therefore parents will accompany them to the door. There is a continuous footpath within the Industrial Estate and a cut through from Rustat Road to Clifton Road for cyclists and

pedestrians, which would mean that those traveling from the east could use this route. Despite this, the Highway Authority remain by their original objection to the application and consider that there is insufficient information within the Transport Statement to be certain that children using the proposed facility will not be at risk from harm while walking or cycling to or from the application site.

- 8.27 The NPPF 2012 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. The applicant considers that the proposed temporary use will not cause severe impact on the Highway, but there is no evidence to support this and the highway authority disagrees. Therefore the application does not comply with policy 8/2 of the Cambridge Local Plan 2006.

### **Car and Cycle Parking**

#### **Car Parking**

- 8.28 The Car Parking Standards within the Cambridge Local Plan (2006) stipulate that outside of a Controlled Parking Zone, there should be 2 car parking spaces for every 3 members of staff and 1 space for every 4 seats, including disabled parking. This is a difficult standard to apply as there is minimal seating associated with this use. The unit has 9 allocated car parking spaces, there is also on street parking to the south and east in addition to a multi-storey car park no more than 3 minutes walk away. For this reason, I consider that there is an acceptable level of car parking, in close proximity to the application site.

#### **Cycle Parking**

- 8.29 The Cycle Parking Standards within the Cambridge Local Plan (2006) requires 1 space for every 25m<sup>2</sup> net floor area. The total net floor area of the unit is 235 m<sup>2</sup> which equates to 9 cycle parking spaces. The applicant proposes 12 cycle parking spaces through the use of wall mounted cycle racks that will be located to the left of the roller shutter entrance. I do have concerns about this proposed arrangement as wall mounted racks are not the easiest to use, especially if a child seat is fitted to the bike, which is highly likely. I believe that if the application were approved then a condition should be imposed

to provide alternative cycle parking arrangements prior to the commencement of use.

- 8.30 In my opinion the proposal is compliant with East of England Plan 2008 policies T9 and T14 and Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Third Party Representations**

- 8.31 I consider that I have addressed the concerns of the third party representative.

### **Planning Obligations Strategy**

#### Transport

- 8.32 Contributions towards catering for additional trips generated by proposed development are sought where 50 or more (all mode) trips on a daily basis are likely to be generated. The site lies within the Southern Corridor Area Transport Plan where the contribution sought per trip is £369.
- 8.33 The applicants have submitted a transport assessment on which the following assessment of additional trips is based and the County Council agree.
- 8.34 Using the County Council standard figures for the number of trips likely to generated by the proposed community facility use, contributions have been calculated as follows.

<b>Southern Corridor Area Transport Plan</b>				
Existing daily trips (all modes)	Predicted future daily trips (all modes)	Total net additional trips	Contribution per trip	<b>Total £</b>
28	170	142	369	52,398

- 8.35 The applicant has argued that the proposed contribution for this scale of development, which is only on a temporary basis, is neither fair nor reasonable and fails the tests within Circular 1/97 (Planning Obligations) and PPG13. They further argue that Circular 1/97 states that 'acceptable development should never be refused because an applicant is unwilling or unable to offer benefits.' The proposed contribution would make the use

unviable according to the applicant. I appreciate that the sum is considerable, but there does not appear to be any reason why this proposed use should be exempt from the requirements of the Planning Obligation Strategy 2012 and the Southern Corridor Area Transport Plan.

8.36 Circular 1/97 and PPG13 have been superseded by the NPPF. The NPPF states in paragraph 173 'that sites should not be subject to such a scale of planning obligations that their ability to be developed viably is threatened'. I do not consider that the application of the requirements of SCATP to this site threaten its ability to be used viably. The industrial uses for which the site and buildings were designated would not generate this high level of daily movements and would consequently not trigger significant obligations towards SCATP.

8.37 In the absence of a S106 planning obligation to secure this infrastructure provision, the proposal is contrary to Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1, P9/8 and P9/9, Cambridge Local Plan (2006) policies 8/3 and 10/1 and the Planning Obligation Strategy 2010.

## **9.0 RECOMMENDATION**

### **1. REFUSE for the following reason/s:**

1. The proposed temporary change of use from B1 (c), B2 or B8 to a D2 use would result in the loss of floorspace of B1 (c), B2 or B8 within a protected industrial/storage site as designated in the Cambridge Local Plan 2006, and does not seek to re-provide this floorspace elsewhere on the site. This proposal is contrary to policy 7/3 of the Cambridge Local Plan 2006.

2. The proposed temporary use will result in a conflict between the existing industrial vehicular traffic of the estate and future child pedestrians and cyclists, who are using the Little Gym. While these children will be accompanied by an adult, there is a lack of sufficient evidence or information within the Transport Statement for the Highway Authority to be certain that children using the proposed facility will not be at risk from harm while walking or cycling to or from the application site. The proposal is therefore in conflict with policy 8/2 of the Cambridge Local Plan.
3. The proposed development does not make appropriate provision to secure the transport infrastructure provision related to this proposal. The proposal is contrary to Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 8/3 and 10/1, the Southern Corridor Area Transport Plan 2002 and the Planning Obligation Strategy 2010.

## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

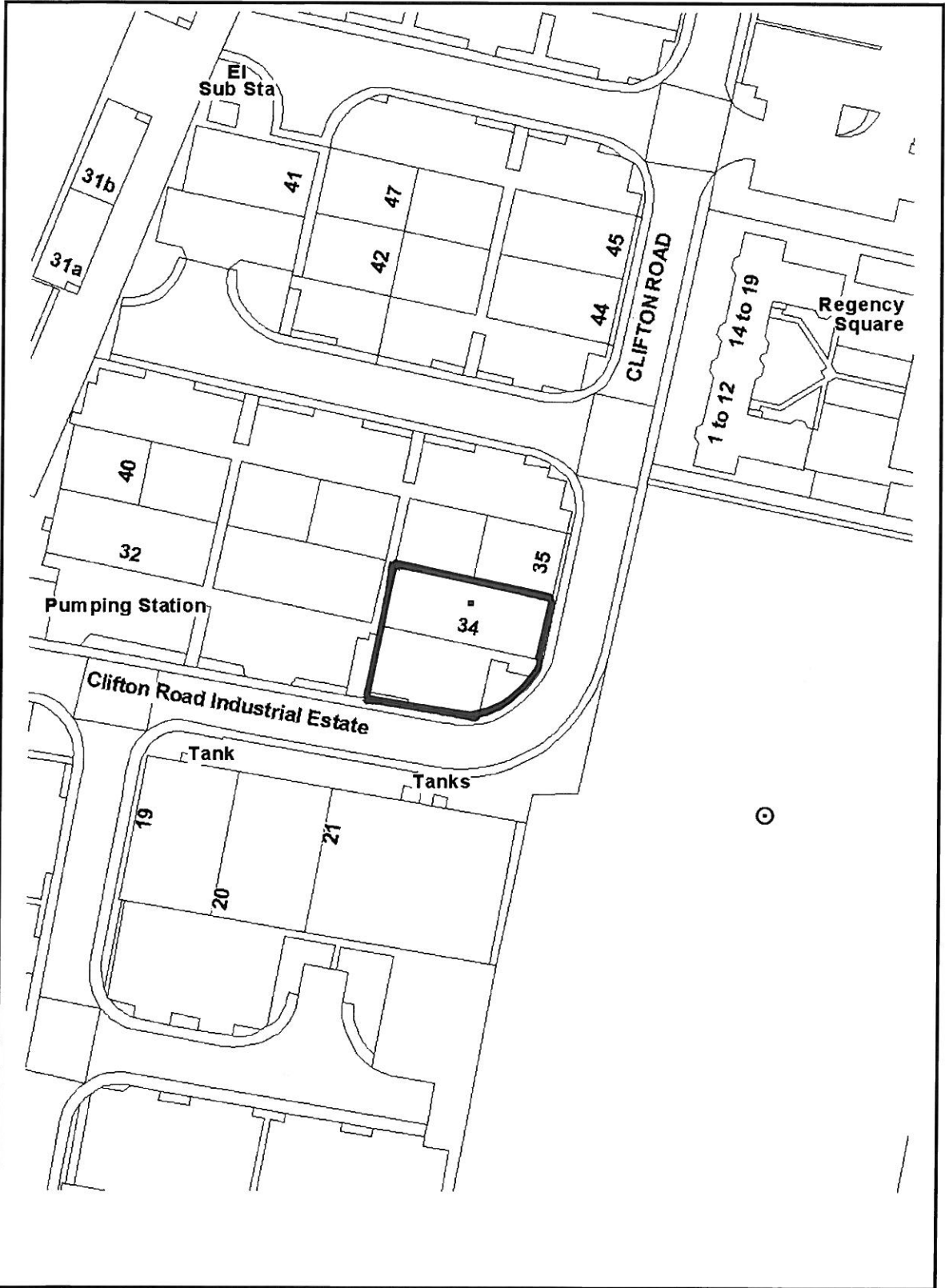
Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected on the City Council website at:

[www.cambridge.gov.uk/planningpublicaccess](http://www.cambridge.gov.uk/planningpublicaccess)

or by visiting the Customer Service Centre at Mandela House.



**12/0342/FUL**  
**34 Clifton Road Cambridge**