

Application Number	12/1071/FUL	Agenda Item	
Date Received	20th August 2012	Officer	Mr Tony Collins
Target Date	15th October 2012		
Ward	Petersfield		
Site	Mickey Flynns Pool & Snooker Club 103 Mill Road Cambridge CB1 2AZ		
Proposal	Change of use from Pool and Snooker Club to A1 (Shops), A2 (Financial and Professional Services), A3 (Restaurant and Cafes), and A4 (Drinking Establishments) in the alternative.		
Applicant	c/o Agent		

SUMMARY	<p>The development does not accord with the Development Plan for the following reasons:</p> <p>The proposal involves loss of a leisure facility, without relocation, replacement, or evidence that it is no longer required.</p> <p>Evidence has not been supplied to demonstrate that all the possible uses could be serviced satisfactorily without creating a hazard to highway safety</p> <p>The grant of permission for all these four uses in the alternative would undermine local plan policies designed to protect the viability of local centres and their function in serving the day-to-day needs of local people</p>
RECOMMENDATION	APPROVAL/REFUSAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is located on the north side of Mill Road, between Gwydir Street and Kingston Street. The building is single-storey,

constructed of brick with a corrugated sheet roof. The site lies to the east of the Bath House, and is set back from the street frontage. The Gwydir Street car park lies behind and partly to the west side of the building. The curtilages of terraced houses in Kingston Street abut the application site at its north-east corner, but the area is mixed in use, with many retail premises in Classes A1, A2 and A3 on both sides of Mill Road at this point.

- 1.2 The site lies within the area defined as Local Centre 20 (Mill Road West) in the Cambridge Local Plan (2006). It also lies within the Mill Road section of the City of Cambridge Conservation Area No.1 (Central). The Mill Road Conservation Area Appraisal 2011 identifies the application building as a negative feature in the conservation area.
- 1.3 There are no trees on the site.
- 1.4 The site lies within the controlled parking zone. There are loading/ unloading restrictions on both sides of Mill Road in this area.
- 1.5 Since about 2001, the building has been operated as a pool hall (Mickey Flynn's). The club is owned by Dawecroft, which also operates a snooker club in first-floor premises at 39b Burleigh Street (WT's). The existing planning permission for pool hall use on the application site has a condition attached, which precludes change to any other Class D2 use without specific planning permission.

2.0 THE PROPOSAL

- 2.1 The application seeks permission for change of use to Classes A1, A2, A3 or A4 in the alternative. No changes to the building are sought.
- 2.2 The application is accompanied by the following supporting information:
 1. Planning Statement
 2. Transport Statement

2.3 Subsequent to the application, and following comments from other parties, additional information has been supplied by the applicants agents

1. letter from agents (12th November 2012)
2. additional transport information (12th November 2012)

3.0 SITE HISTORY

3.1

Reference	Description	Outcome
85/0911	Change of use from A1 shop to snooker club	Refused
00/0339	Redevelopment to provide A1 retail space with 35 student rooms above	Withdrawn
00/0340	Demolition	Withdrawn
00/1226	Refurbishment of existing A1 retail, including new roof, repair of brickwork and new shopfront	Approved with conditions
01/0862	Change of use from A1 shop to snooker club	Approved with conditions
01/0938	Alterations including new roof, new windows, external cladding and mezzanine floor	Withdrawn
02/0597	Erection of canopy	Approved with conditions
02/0598	Signage	Approved with conditions
05/0870	Variation of condition of 01/0862 to permit longer opening hours	Withdrawn
05/1066	Variation of condition of 01/0862 to permit longer opening hours	Approved with conditions
11/0710	Change of use from Pool Hall (Use Class D2) to a Sainsbury's Local Store (Use Class A1) together with external alterations.	Refused

3.2 A number of conditions were attached to the permission allowing change of use from A1 retail to D2 pool hall (01/0862/FUL). Condition 2 limits the use to a members-only snooker and pool club, allowing no other use within Class D2. The reason given for this condition is 'to ensure that the levels

of movements are within the levels anticipated in the application, and not excessive for the area' Condition 4 limits the opening hours: 8am to midnight.

4.0 PUBLICITY

4.1 Advertisement: Yes
 Adjoining Owners: Yes
 Site Notice Displayed: Yes

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	SS1 T2 T9 T14 ENV6 ENV7 WM6
Cambridgeshire and Peterborough Structure Plan 2003	P6/1 P9/8 P9/9
Cambridge Local Plan 2006	3/1 3/4 4/11 4/12 6/1 6/7 6/8 6/10 8/2 8/6 8/9 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 Community Infrastructure Levy Regulations 2010
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Supplementary Planning Documents	Planning Obligation Strategy
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> Interim Planning Policy Guidance (IPPG) on the Protection of Public Houses in the City of Cambridge
	Conservation Area Appraisal: Mill Road Area

6.0 CONSULTATIONS

Planning Policy Manager

Advice on previous application 11/0710/FUL (02.08.2011)

- 6.1 Policy 6/1 of the Cambridge Local Plan 2006 permits development leading to the loss of leisure facilities if either the facility can be replaced to at least its existing scale and quality within the new development; or the facility is to be relocated to another appropriate premises or site of similar or improved accessibility for its users. The present application does not seek to replace the leisure facility on site.
- 6.2 The snooker/pool hall at WT's (39b Burleigh Street) is not as accessible as the pool hall on the application site as it is located on the first floor of a building. No information has been provided on the distance users of the Mill Road pool hall travel to use it, so no indication has been given that WT's would be equally accessible.

- 6.3 Paragraph 6.4 of the Cambridge Local Plan 2006 states that in the exceptional circumstances where there is no longer a need for a leisure facility and the site or building would not be suitable for an alternative leisure use, development for a non-leisure use may be acceptable.
- 6.4 It is not considered that the applicants have provided sufficient information to indicate that the leisure facility is no longer required. Some financial data has been submitted which indicates a downturn in usage at this site and WT's, but no marketing work has been undertaken to show that there is no interest from another snooker/pool hall operator or another D2 use in occupying the site. No indication has been given that WT's would be equally accessible in terms of distance, proximity to bus routes, cycle and car parking for those using the existing site on Mill Road.
- 6.5 The existing planning condition precluding the use of the building by any other D2 user was imposed under an earlier local plan, and does not outweigh the requirements of Policy 6/1 of the 2006 Local Plan Furthermore, an application could be made to remove or vary this condition at any time.

Advice on the present application

- 6.6 Informal advice has been given that there are no reasons to alter the advice previously given

Cambridgeshire County Council (Engineering)

- 6.7 The proposal lies on a busy street with a poor accident history, particularly in regard to vulnerable highway user groups. Parking demand and servicing patterns of the proposed uses vary widely. Deliveries on this stretch of street are from the street frontage and the proposal seeks to use this method. Transport Assessment comes to the blanket conclusion that all of the proposed uses can accommodate their servicing satisfactorily by the imposition of a condition restricting delivery times.
- 6.8 The assessment of the safety implications of servicing is linked specifically to accident history, rather than an analysis of the proposed operation and therefore its conclusions are open to question.

- 6.9 Traffic impact on the network unlikely to be significant.
- 6.10 Parking impact of each of the proposed uses requires proper analysis.
- 6.11 Insufficient information provided to assess application

Head of Refuse and Environment

- 6.12 Environmental protection: requires conditions to control potential odour and noise
- 6.13 Licensing: Within a cumulative impact area; any licence application must rebut the presumption to refuse. Approval of an application for A4 would be contrary to the Council's licensing policy.
- 6.14 Scientific team: no known contamination issues.
- 6.15 Waste strategy: waste arrangements will need to be agreed when the use is known.
- 6.16 Food safety: standard informative requested.

Historic Environment Manager

- 6.17 No comment.
- 6.18 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 or occupiers of the following addresses have made representations objecting to the proposal (figures in brackets indicate multiple representations from one address):

24 Abbey Road
33 Argyle Street
80 Brackyn Road
107 Brampton Road
60 Catherine Street

4 David Street
21c Emery Street
6 Golding Road (2)
8 Golding Road
55 Great Eastern Street

75 Gwydir Street
106 Gwydir Street
169 Gwydir Street
178 Gwydir Street
17 Guest Road
10 Hartington Grove
23 Hemingford Road
109 Hemingford Road
19 Hooper Street
3 Kingston Street
9 Kingston Street
45 Kingston Street
47 Kingston Street
The Kingston Arms,
Kingston Street
6 Mawson Road
100a-102a Mill Road (8)
Guthrie Court, Paradise
Street
15 Perowne Street
33 Perowne Street
36 St. Barnabas Road (2)
58 St. Barnabas Road (2)
62 St. Barnabas Road
68 St. Barnabas Road
27 St. Philip's Road
13 Sedgwick Street
33 Sturton Street
2 Willis Road

(47 individual representations in total)

7.2 Representations objecting to the proposal have also been received from the following organizations:

Cambridge Cycling Campaign
Cambridge Friends of the Earth
Mill Road Society

7.3 The representations can be summarised as follows:

Principle of development

- loss of leisure facility (30 representations)
- insufficient marketing
- proposals insufficiently detailed to assess impact
- harm to the vitality, diversity and convenience of the local area
- loss of economic viability of local business,
- lack of need / excessive number of supermarkets within the local area already
- council should encourage independent retailers not supermarkets
- class A1 or A2 use would be acceptable, but not A3 or A4
- too many eating and drinking establishments already
- harmful to conservation area
- harmful to night-time economy
- will force drinkers to congregate in the city centre
- claim regarding disabled access at WT's snooker club is unrealistic

Car parking

- lack of car parking provision

Highways issues, traffic and servicing

- hazard to highway users from deliveries
- proposed delivery restrictions are unrealistic
- one quarter of reported accidents take place during the proposed delivery hours
- applicants' analysis of servicing and accidents is unsound
- private vehicles will stop on the street to visit the store

- increased congestion

Crime and anti-social behaviour

- drinking establishment could result in noise and vandalism

Environmental health issues

- noise issues

Waste storage and collection

- lack of detail of waste storage provision

7.4 The owners or occupiers of the following addresses have made representations in support of the proposal.

Carl Hunter House, Adam and Eve Street

50 Brooks Road

20 Gilpin Place

7 Gunhild Close

19 The Paddocks

14 Waddelow Road, Waterbeach

7.5 The representations can be summarised as follows:

- can't force people to continue running a business that isn't making money
- alternative uses will improve the amenity of the area
- unfair to reject on basis that it might be let to a national chain
- premises already sells alcohol until late so objection on this basis is not reasonable

7.6 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: loss of leisure facility

2. Principle of development: introduction of Class A uses
3. Highway safety
4. Car and cycle parking
5. Environmental health issues
6. Refuse arrangements
7. Third party representations

Principle of Development: loss of leisure facility

- 8.2 Leisure facilities are defined in the Cambridge Local Plan (2006) as including indoor sports, recreation and entertainment. In my view, the present Class D2 pool hall use falls within this definition, and the proposal therefore involves the loss of a leisure facility. The supporting text to policy 6/1 (in the headline objective, and paragraphs 6.1 and 6.3) makes clear that a range of leisure facilities is necessary to meet the needs of the residents of the city and make it an enjoyable place to live, as well as to visit.
- 8.3 Policy 6/1 permits the loss of an existing leisure facility only if a replacement leisure facility of equivalent scale and quality is provided in the development, or if the facility is to be relocated to a site of similar or improved accessibility for its users. The supporting text in paragraph 6.4 of the Cambridge Local Plan (2006) provides that in the exceptional circumstances where there is no longer a need for the leisure facility, and the site would not be suitable for an alternative leisure use, development for a non-leisure use may be acceptable. The present application needs to be carefully examined against the tests in policy 6/1.
- 8.4 There is no proposal in the application to replace the leisure facility on-site. The applicants suggest that the leisure use can be replaced by utilising spare capacity at WT's Snooker Club at Burleigh Street.
- 8.5 This suggestion is difficult to assess. The application provides no analysis of the existing users of Mickey Flynn's in terms of their addresses or means of travel to the club, so it is difficult to know whether WT's club is equally accessible to present users of Mickey Flynn's. I agree that the two clubs are close (0.9km), but I do not have convincing evidence to demonstrate that WT's would be an equally accessible alternative location for all Mickey Flynn's current users.

- 8.6 WT's club is at first-floor level, and has no lift access (although such access is planned for the future). In this respect, therefore, WT's is not of equal accessibility for all users. Policy 3/7 of the Cambridge Local Plan (2006) emphasizes that ensuring easy and safe access, including for those with disabilities, is an essential part of creating successful places. I recognize that the number of current Mickey Flynn's users who cannot use stairs may be relatively small, and also that staff at WT's are prepared to assist customers in gaining access to the club from ground level. Nonetheless, absence of easy access for all users is a shortcoming in WT's as a replacement site.
- 8.7 The applicants assert that there is adequate space available at WT's to accommodate users displaced from the application site. Specific information to demonstrate this has not been submitted with this application, although some information was submitted previously. It is possible that WT's might have the capacity to provide for the additional customers, but this has not been conclusively demonstrated.
- 8.8 To summarise the issue of adequate replacement of the existing leisure facility then, it has not been demonstrated either that WT's is sufficiently close to be an equally accessible location, or that WT's has the capacity to absorb all the displaced users. As far as safe and easy access for those whose mobility is impaired, however, it is clear that at present, WT's has a weakness as a replacement facility.
- 8.9 The applicants also argue that there is in fact no need for the facility, as demand for snooker and pool has declined rapidly in recent years, and therefore the only rational response is to combine the operation of the two clubs on one site. It may be unlikely that another provider could, or would wish to run a cue sports club on the premises, but policy 6/1 seeks to protect leisure uses in principle, and no evidence has been provided that there is no other possible leisure use for the site.
- 8.10 The applicants argue that there is no policy requirement to market the site for leisure use. I agree that this is not specifically stated in policy 6/1, but that policy and its supporting paragraphs do state that only when the application site or building is not suitable for an alternative leisure use can a non-leisure use be considered appropriate. I acknowledge that the

existing condition on the permission for the site limits use to a pool hall only, and that any alternative leisure use would require planning permission, but I do not think this alters the position with respect to policy 6/1.

- 8.11 In assessing this issue in respect to the previous application on this site, I took the view that, on balance, and notwithstanding the lack of conclusive evidence, it was difficult to sustain the argument that the proposal under 11/0710/FUL would cause demonstrable harm which outweighed the benefits. Since that time, however, there have been a number of changes in planning circumstances. The relevant changes, in my view, are the coming into force of the National Planning Policy Framework 2012 ('The Framework'), and the guidance on interpreting the Framework which has been provided by a number of appeal decisions, and particularly by that on the application for residential development at the former Royal Standard site, further along Mill Road (11/0872/FUL). The appeal decision in this case is attached to the agenda as Appendix A.
- 8.12 Paragraph 70 of the Framework gives advice to local planning authorities about how to ensure that they deliver 'the social, recreational and cultural facilities and services [which] the community needs' (emphasis mine). The paragraph states, amongst other things, that councils should plan positively for the provision and use of community facilities (including sports venues), and to guard against the unnecessary loss of valued facilities and services. In my view, the wording of this paragraph in the Framework gives significant additional weight to policy 6/1 of the Cambridge Local Plan (2006), and strengthens the argument that any loss of a leisure facility should only be sanctioned if provides robust evidence to demonstrate that it meets the tests of that policy.
- 8.13 The Inspector's decision on the appeal at the Royal Standard, dated 1st November 2012, focuses heavily on the question of how the provisions of Paragraph 70 of the Framework should be interpreted. In paragraph 5 of his decision, the Inspector said:

However, paragraph 70 of the Framework also advises that planning decisions should enhance the sustainability of communities by planning positively for community

facilities, such as public houses, and guard against their unnecessary loss. Policy 5/11 of the Cambridge Local Plan, which seeks to prevent the loss of community facilities, fails to identify public houses as such a facility. The Local Plan is therefore in conflict with the Framework. However, as the Framework is an important material consideration and a more recent publication than the Local Plan I attach significant weight to it and I shall treat public houses as a community facility.

- 8.14 In my view, this comment provides strong additional support for the argument that policy 6/1 should carry very considerable weight in this application, given that, in contrast to the silence of the local plan on public houses (setting aside the Interim Planning Policy Guidance), this policy is very specific about the need to protect leisure facilities. Furthermore, the snooker club is clearly a recreational facility, and would also be widely regarded as a sports venue, both of which are explicitly identified as subjects of paragraph 70 of the Framework.
- 8.15 In paragraph 10 of his decision, the Inspector indicates that he believes that to be of value to a local community, a facility needs to be within easy walking distance of people's homes. This view lends additional weight to the concerns expressed in representations and by the Planning Policy Manager that WT's on East Road is not necessarily an adequate replacement for the leisure facility on the application site.
- 8.16 In paragraph 11 of the decision, the Inspector refers to a petition as providing evidence that the former Royal Standard is a facility valued by the local community. This evidence, in his view, outweighed the fact that the pub had struggled financially, closed, and been converted to a restaurant. In my view, the Inspector's comment means that the number individual objections citing loss of the leisure facility as a reason, both on this application and the preceding application on this site, can be regarded as indicating that the premises are a facility of value to the community, notwithstanding the applicants' statements about the future financial viability of the present club on the site.

8.17 In paragraph 14 of his decision, the Inspector states:

In my assessment, based upon the policies of the Framework, in order to discover whether a change of use of the building is justified it should therefore first be marketed as a public house in accordance with sensible criteria such as those contained within the [Cambridge City Council Interim Planning Policy Guidance on Loss of Public Houses 2012]. This approach would also be consistent with how applications for changes of use in relation to other local community facilities are dealt with under policy 5/11 of the Local Plan.

8.18 Given the framing of paragraph 70, and the similarity in approach between policies 5/11 and 6/1 of the Cambridge Local Plan (2006), this comment from the Inspector appears to me to lend considerable support to the argument that loss of a leisure facility on this site should not be accepted in the absence of proper marketing of the site for Class D2 use.

8.19 In his conclusion on the Royal Standard appeal, the Inspector states:

While the site is in a sustainable location and the proposal would make an efficient, well-designed use of the site to provide additional housing, I consider that any presumption in favour of development is clearly outweighed by the comprehensive harm the proposal would cause by virtue of the loss of a valued community facility.

8.20 In my view, the appeal situation must be considered a close parallel to the present application in terms of the impact of Paragraph 70 of the Framework. When assessing the proposal for a Sainsbury's Local store submitted under 11/0710/FUL on this site, I considered the arguments to be finely balanced between the presumption in favour of sustainable development and the need to safeguard leisure facilities. Paragraph 70 of the Framework, and the guidance provided by the Inspector's decision I have analysed above leads me to the conclusion that in the changed planning circumstances, the weight of policy has shifted decisively towards the need to protect leisure facilities of value to local communities and that the conflict between the

current proposal and policy 6/1 of the Cambridge Local Plan (2006) is a reason to refuse the application.

Principle of Development: introduction of Class A uses

- 8.21 Policy 6/7 of the Cambridge Local Plan (2006) states that additional development within classes A1, A2, A3, A4 and A5 will be permitted in local and district centres if it will serve the local community and is of an appropriate nature and scale to the centre. The supporting text in paragraph 6.24 makes clear that local centres serve an important function, providing the ability to shop close to where people live and work, meeting day-to-day needs and reducing the need to travel, and dependence on the private car. This paragraph emphasises that additional development should not be of a scale to significantly increase traffic.
- 8.22 In my view, the use of these premises for Class A1 or Class A2 purposes would be fully in accordance with policy 6/7 and its supporting text. The uses proposed would be likely to serve the local community, and, given the size of the building, would be of an appropriate scale to the local centre. Concerns have repeatedly been expressed about the proportion of Class A1 uses in this local centre falling too low. Use of these premises for A1 retail would help to raise that proportion, a change which is supported by Policy 6/7. Use of the premises for A2 would not diminish the A1 percentage, and would be unlikely to have harmful impacts.
- 8.23 Use of the premises for Class A3 or A4 purposes would, however, raise different issues. Policy 6/10 of the Cambridge Local Plan (2006) acknowledges that uses in these classes make an important contribution to the vitality and viability of local centres, but advises that they can also have a significant impact in terms of environmental problems, traffic problems and residential amenity, an impact which can be exacerbated where there is a concentration of such uses. It is difficult to make an assessment of these impacts on the basis of a simple application to allow these use classes. The Head of Environmental Services has recommended refusal because the existence of a Cumulative Impact Zone in the area would render a new alcohol licence contrary to policy. I agree with the applicants' contention that the likelihood of an alcohol licence refusal does not provide a basis for refusing planning

permission. However, the existence of the cumulative impact zone does indicate that this is a location where the cumulative impact of food and drink uses might already be at a problematic level. In the absence of any information to demonstrate that a specific food or drink use would not lead to such problems, A3 or A4 use would be contrary to policy 6/10 of the Cambridge Local Plan (2006).

- 8.24 In my opinion, the principle of Class A1 or A2 use on this site would be acceptable and in accordance with policies 6/7 and 6/8 of the Cambridge Local Plan (2006), but without more detailed information which might allow permission to be granted subject to appropriate conditions, Class A3 or A4 use would be contrary to policy 6/10.
- 8.25 The application for uses A1, A2, A3 and A4 in the alternative also raises issues about local plan policies designed to protect the viability and vitality of local centres. Policy 6/7 seeks to protect these qualities in local centres by preventing changes from Class A1 to the other classes where the present proportion is less than 60%. The Mill Road West local centre is below this threshold. Allowing this group of uses in the alternative would remove the Council's ability to safeguard the A1 use. An A1 use could contribute to bringing the percentage above 60%. This might enable A1 use to be lost elsewhere without a conflict with policy, but the A1 use on this site could then also be lost without the requirement for planning permission. In my view, a permission allowing all these uses in the alternative within a local centre would therefore be contrary to policy 6/7.

Highway Safety

- 8.26 No special arrangements are proposed for servicing; hence any deliveries and collections would have to be carried out from the carriageway on Mill Road.
- 8.27 The highway authority notes that the servicing requirements of the four proposed uses are very different. The authority also suggests that it does not have confidence in the applicant's analysis of the safety implications of servicing, because they are based on an analysis of previous accidents and not on any examination of the proposed servicing arrangements. The highway authority does not accept that the proposed restrictions on delivery times would be a sufficient safeguard on highway

safety. I concur. I recognize that a large number of other retail premises nearby use front-of-site servicing, but in my view this does not justify the introduction of a further hazard. I also recognize that the present pool hall use employs front-of-site servicing, but in my view, the greater intensity of servicing required by some of the proposed uses would represent a significant worsening of the present situation, and hence blanket approval for all four uses could not be granted without a significant risk to highway safety. The question of the likelihood of any of these uses generating significant illegal parking also needs to be examined, and it is difficult to do this in the context of such a generalised application.

8.28 In the light of this advice, I am of the view that the proposal is in conflict with policies 8/2 and 8/9 of the Cambridge Local Plan (2006).

Car and Cycle Parking

8.29 Under the City Council's Car Parking Standards, which are expressed as maximum levels, no new car parking (other than disabled parking) is permitted in association with Class A1, A3 or A4 use within the CPZ. For A2 use, up to three car parking spaces would be permitted. The absence of car parking proposed in the application is in accordance with the Standards. The Gwydir Street public car park is immediately adjacent to the site.

8.30 The City Council's Cycle Parking Standards require one cycle parking space for every 25m² of gross floor area (GFA) for Class A1, one space for every 30m² GFA for Class A2, and one space for every 10m² of dining space for classes A3 and A4. The GFA proposed here is 383m², which would require 16 spaces for A1 use, 13 spaces for A2 use, and, assuming about half the gross floor area became dining (or drinking) space, 19 spaces for Class A3 or A4 use. The application proposes to retain the existing 5 spaces, immediately adjacent to the entrance. This is below the Standards by a wide margin, but given that the existing D2 use requires (under the Standards) the same level of provision as A1 use, it would be difficult to sustain the argument that the change of use would have a harmful impact in terms of cycle parking, and I do not consider this to be a reason for refusal.

8.31 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/10, and although the level of cycle parking provision does not meet the requirements of policy 8/6, this is not a reason for refusal because the change of use would not worsen the existing situation.

Environmental health issues

8.32 Leaving aside the issue of licensing, which I have dealt with above, the Head of Environmental Services recommends conditions to address noise and odour issues. Many third party comments suggest that the application should be refused because no detail of these matters is included in the application. However, many of the matters about which respondents are concerned, such as the installation of external plant, would require an additional planning application in their own right, and I agree with the Head of Environmental Services that these issues can be satisfactorily addressed by condition. In my view, subject to such conditions, the application is in accordance with policies 3/4 and 4/13 of the Cambridge Local Plan (2006) in this respect.

Refuse Arrangements

8.33 The Head of Environmental Services is of the view that insufficient detail is given regarding waste storage and that a condition would be necessary to address this issue were permission to be granted. I share this view. I am confident that waste storage can be satisfactorily accommodated on the site, and despite the reservations of some respondents on this issue, I do not consider that it constitutes a reason for refusal.

8.34 In my opinion, subject to condition, the proposal is compliant in respect of waste storage with East of England Plan policy WM6 and Cambridge Local Plan (2006) policy 3/12.

Third Party Representations

8.35 The majority of the representations received focus on two issues: loss of the leisure facility, and highway safety. I have addressed these issues under the respective headings above. I have also addressed, under the relevant headings, the principle of the various A class uses, and the issues of car parking, noise

and odours and waste storage. I address the remaining issues raised below.

- 8.36 I do not consider that the change of use would have any impact on the character of the conservation area; the Urban Design and Conservation Manager has made no comment on the proposal, which would not alter the existing building in any way. I do not consider that the elimination of a single late-night activity venue, in an area where there are many others, would cause significant harm to the night-time economy.

Planning Obligations

- 8.37 A planning obligation could only be justified in relation to this application if the change of use was predicted to result in an increase of 50 or more net daily trips. I do not consider that this is likely in this case.

9.0 CONCLUSION

- 9.1 A large number of objections have been received to this application, and the issues raised must be carefully considered. In my view there are three key issues. Two of them have been raised by the majority of respondents, namely the loss of a leisure facility, and the impact of deliveries on highway safety. The third important question is the acceptability of an application for these four uses 'in the alternative' within a local centre. A number of representations also focus on the issue of competition between multiple retailers and independent shops. I have not addressed this issue, because the planning system is blind to distinctions between individual operators, types of shop, or goods supplied as long as they fall within a single use class.
- 9.2 In my assessment of the last application on this site, I considered the issue of the loss of a leisure facility to be finely balanced, but I consider that the introduction of the National Planning Policy Framework since that time, and the content of subsequent Inspector's decisions have changed planning circumstances, making it clear that the need to protect local facilities and services should be given considerable weight. I am therefore now of the view that the loss of this leisure facility, without appropriate marketing to demonstrate that there is no need for it, is unacceptable.

- 9.3 As far as highway safety is concerned, I accept the advice of the highway authority that the application has not demonstrated that deliveries for all the proposed uses can be made without threat to highway safety.
- 9.4 Policy 6/7 of the Local Plan seeks to maintain the proportion of Class A1 uses in local and district centres. It follows that it is not appropriate to grant permission for a combination of uses in the alternative which includes A1 and others, because such a permission effectively subverts the control which policy 6/7 seeks to establish.

10.0 RECOMMENDATION

REFUSE for the following reasons.

1. The proposal would lead to the loss of a leisure facility. The facility would not be replaced, and the application fails to demonstrate that WT's snooker club on East Road would constitute another appropriate premises of similar or improved accessibility. The application does not demonstrate that there is no longer any need for the facility, and is consequently in conflict with policy 6/1 of the Cambridge Local Plan 2006 and government advice in the National Planning Policy Framework 2012
2. Insufficient information has been submitted to demonstrate that the servicing and delivery activities associated with all the proposed uses could be accommodated without a threat to highway safety, contrary to policies 8/2 and 8/9 of the Cambridge Local Plan 2012
3. Insufficient information is submitted to demonstrate that Class A3 or A4 uses could operate on the site without the individual and cumulative impact of the uses and the environmental problems and nuisance associated with them being unacceptable, in conflict with policy 6/10 of the Cambridge Local Plan.

4. The grant of permission for Class A1 use and other Class A uses in the alternative would subvert the local planning authority's ability to protect the proportion of A1 uses in the district centre enshrined in policy 6/7 of the Cambridge Local Plan 2006, because it could facilitate the loss of A1 use on other sites without guaranteeing continuing A1 use on the application site.

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

or by visiting the Customer Service Centre at Mandela House.