
Application Number	12/1395/FUL	Agenda Item	
Date Received	5th November 2012	Officer	Mr Amit Patel
Target Date	31st December 2012		
Ward	Petersfield		
Site	Smith UK Limited 19A Sturton Street Cambridge Cambridgeshire CB1 2QG		
Proposal	Change of use of first floor premises (with separate ground floor entrance) from Class B1 business use to Class D1 (non-residential institutions) use and then back to Class B1 business (in the alternative) for use as consulting rooms to see clients by appointment only on a one by one basis.		
Applicant	Miss R Hawes 17 Lovell Road Cambridge CB4 2QN		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>Office use falling within Use Class B1 (a) is not protected in the Local Plan.</p> <p>D1 uses are supported by local plan policy 5/12</p> <p>The use will be on appointment only basis; only one client will be seen at any one time, but there will be the very odd occasion that a small group of 4 maximum</p>
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is situated on the western side of Sturton Street. Sturton Street is residential in character but this group of offices are located within this area.

1.2 The site falls within the Central Conservation Area.

2.0 THE PROPOSAL

2.1 The applicant has confirmed that the treatment will be consultation and different types of massage therapies.

2.2 Permission is sought for the change of use of the first floor from use class B1a to use classes D1 and B1a in the alternative.

2.3 The application is accompanied by the following supporting information:

1. Plans
2. Design and Access Statement

3.0 SITE HISTORY

Reference	Description	Outcome
12/1136/FUL	Change of use of ground floor unit from Class B1 business to Class D1 (non-residential institutions) use and then back to Class B1 business (in the alternative) for use as a therapy room.	A/C
C/02/0387	Conversion of existing garage to offices.	Refused
C/85/0327	Change of use from stores/workshop to offices	A/C
C/84/0531	Use of 1st floor of premises as offices. (amended by letter and plans received 2/11/84)	A/C

There seems to be some contradiction in the planning history for the site but the 2002 application refers to another building on site and not the application site as this already has permission for office use

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	SS1 ENV6 ENV7
Cambridge Local Plan 2006	3/1 3/4 3/7 4/11 5/11 5/12 7/3 8/2

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
Supplementary Planning Documents	Sustainable Design and Construction
Material Considerations	<u>Central Government:</u>

	<p>Letter from Secretary of State for Communities and Local Government (27 May 2010)</p> <p>Written Ministerial Statement: Planning for Growth (23 March 2011)</p>
	<p><u>Area Guidelines:</u></p> <p>Conservation Area Appraisal:</p> <p>Mill Road Area</p>

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

6.1 No significant adverse impact upon the public highway.

Head of Environmental Services

6.2 Verbally agreed that the proposal is acceptable as well as the times as only one client will be present at any one time.

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:

- 18 Sturton Street

7.2 The representations can be summarised as follows:

- The premises should not be used on Sundays and bank holidays as the entrance faces on residential street;
- Will lead to unwarranted disturbance to residents;
- Accept opening hours 11-6 Mon to Fri and 9-5 on Saturday.

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. Context of site, design and external spaces and impact on conservation area
3. Residential amenity
4. Third party representations

Principle of Development

8.2 B1a office uses are not protected by Local Plan policy 7/3. The proposed D1 uses are supported by local plan policy 5/12, new community facilities. The practice proposing to use this unit is already operating in the Petersfield area, serving a local need. A move to this unit is sought because the premises currently used do not meet the needs of the applicant. Uses falling within class D1 would be protected by local plan policy 5/11. The applicant would however be able to change between the two uses for a 10year period. This permission giving consent for the two alternative uses would override the restriction of policy 5/11 which prevents the loss of community facilities. While I note that existing community facilities are protected by local plan policy 5/11, there is currently no community facility within this office development. Were the premises subsequently to revert to office use, there would be no net loss of facilities available to the community. This proposal is not associated with any proposal involving loss of a community facility elsewhere. Given this context, and the advice in paragraph 21 of the Framework that supports the need for economic growth by being flexible and meeting the fast changing economic needs of business it is my view that the oscillation between the two uses applied for here is acceptable.

- 8.3 Another unit within the site was previously approved for the use proposed here, under planning reference 12/1136/FUL, but this unit is better suited to the potential applicants.
- 8.4 Use Class D1 covers a wide variety of uses. Some of these uses would have significantly different impacts, and some, such as use for a language school, for example, would be in conflict with local plan policy. In order to ensure that use of the premises is limited to that applied for here or other uses with broadly similar impacts, a condition is necessary. I consider that uses such as schools and places of worship which are also D1 use have a significantly different impact to the use proposed here and therefore limit the use to medical therapy or similar uses.
- 8.5 Subject to condition, in my opinion the proposal causes no conflict with Cambridge Local Plan (2006) policies 5/11 and 7/3.

Context of site, design and external spaces and impact on Conservation Area

- 8.6 There are no external changes proposed and therefore there will be no impact on the character or appearance of the Conservation Area.
- 8.7 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 4/11.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.8 Comments have been received regarding the proposed opening hours having an impact upon the residential amenity of neighbours. This unit is currently in B1(a) use and the proposed use will be seeing clients on a one to one basis. I do not consider that the proposed use will increase the movements significantly beyond what is currently experienced and consider that the proposed hours of use (1100-1900 Mon-Fri, and 0900-1700 Sat, Sun and Bank Hol) are acceptable. Although I acknowledge that Sundays and bank holidays are outside normal office hours the impact of a single client at any one time is likely to be so slight that I do not consider it necessary to prohibit use at these times. I consider that the hours sought

should be the maximum and recommend a condition to this effect.

- 8.9 Subject to condition, in my opinion the proposal adequately respects the residential 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.

Third Party Representations

- 8.10 Third party representations have been addressed in the main body of the report.

9.0 CONCLUSION

The principle of development is acceptable and will not significantly affect the amenities of nearby residential properties. APPROVAL is recommended.

10.0 RECOMMENDATION

APPROVE subject to the following conditions and reasons for approval:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. The opening hours shall be 11am to 7pm Monday to Friday and 9-5 on Saturdays, Sundays and Bank Holidays and shall be retained as such unless agreed in writing by the local planning authority.

Reason: In the interest of residential amenity. (Cambridge Local Plan (2006) policy 3/7)

3. The premises shall be used for therapy (including yoga and pilates therapy, reflexology, counselling, mentoring and massage therapy) or for other similar medical or therapeutic activities and for no other purpose (including any other purpose in Class D1; of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), except that within the scope of this permission, it may return to use within Class B1(a) within the specified period.

Reason: For the avoidance of doubt, and because use of the building for any other purpose would require re-examination of its impact. (Cambridge Local Plan 2006 policies 3/4, 3/12, 4/13 and 8/2)

Reasons for Approval

1. This development has been approved, conditionally, because subject to those requirements it is considered to conform to the Development Plan as a whole, particularly the following policies:

East of England plan 2008: SS1, ENV6 and ENV7

Cambridge Local Plan (2006): 3/1, 3/4, 3/7, 4/11, 5/11, 5/12, 7/3 and 8/2

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

3. In reaching this decision the local planning authority has acted on guidance provided by the National Planning Policy Framework, specifically paragraphs 186 and 187. The local planning authority has worked proactively with the applicant to bring forward a high quality development that will improve the economic, social and environmental conditions of the area.

These reasons for approval can be a summary of the reasons for grant of planning permission only. For further details on the decision please see the officer report online at www.cambridge.gov.uk/planningpublicaccess or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.

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.