

Application Number	12/1428/FUL	Agenda Item	
Date Received	9th November 2012	Officer	Mr John Evans
Target Date	4th January 2013		
Ward	Kings Hedges		
Site	16-18 Arbury Court Cambridge CB4 2JQ		
Proposal	Change of use from A1 to D2		
Applicant	Mr Richard Patman 10 Tavistock road Cambridgeshire cb43nb		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> 1. Arbury Court is well served by A1 retail units, which are the main function of the Local Centre. 2. The D2 use would not be harmful to the vitality and viability of the Local Centre. 3. The proposal would not conflict with the objectives of Local Plan policy 6/7.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site relates to a ground floor A1 retail unit situated on the eastern side of Arbury Court. The unit is currently occupied by a second hand toy shop.

1.2 The site falls within Arbury Court Local Centre.

2.0 THE PROPOSAL

- 2.1 Permission is sought for the change of use of the building from use class A1 retail to a gym, falling within use class D2 (assembly and leisure).
- 2.2 There are no physical alterations to the building.

3.0 SITE HISTORY

- 3.1 No relevant history.

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
Cambridge Local Plan 2006	3/1 3/4 4/13 6/7

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
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)

6.0 CONSULTATIONS

Cambridgeshire County Council (Transport)

- 6.1 No significant adverse effect upon the Public Highway should result from this proposal if it gains benefit of Planning Permission.

Cambridge City Council Estates Team

- 6.2 Support change of use. D2 use would compliment the existing traders at Arbury Court and increase footfall.

Head of Environmental Services

Noise from the operating of a gym has the potential to affect the local amenity if not controlled including the use of equipment and the playing of music. I recommend a noise insulation scheme be submitted to explain how this will be controlled.

It is also recommended that all windows and doors are kept closed during the hours of use to prevent noise breakout. This should be conditioned.

All plant associated with the development should also be assessed for noise.

I therefore recommend the building/plant noise condition.

7.0 REPRESENTATIONS

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

62 Nuns Way
9 Cadwin Field
Arbury Community Centre
107A York Street
17 Jolley Way
4 Apthorpe Way
9 Ellesmere Road
64a Rustat Road
161 Minerva Way
25 Amwell Road
26 Bishops Road
4 Wiles Close
21 Mill Road
2 Ellison Close
10 Tavistock Road
50 Chieftain Way
174 Gilbert Road
St Catharines College
10 Belland Hill

7.2 The representations can be summarised as follows:

Comments in support

- There is a significant unmet demand for gyms in Cambridge.
- The gym will be a vibrant and splendid improvement to the Arbury Area.
- The idea that a toy shop will benefit the community more than a gym is ludicrous.
- The gym will support the health and fitness of the community.
- The gym will create a supportive and friendly atmosphere.
- It will add value to Arbury Court.
- Independent gyms are a rarity.

Comments objecting to the proposal

- Profits from the toy shop go back to the community, whereas gym profits do not.
- There is no need for a gym.
- There are too many sports facilities in Cambridge.
- Many parents use the current toy shop.
- The toy shop has long term potential.
- It is not right to evict the toy shop.
- The gym will waste peoples money in a deprived area.
- A gym would encourage drug use.
- Can the community make a bid to buy the premises to continue the existing use?

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
- 3 . Residential amenity
- 4 . Refuse arrangements
- 5 . Car and cycle parking
- 6 . Third party representations

Principle of Development

8.2 Local Plan policy 6/7 states that changes of use from A1 uses to A2, A3, A4 or A5 in District and Local Centres will only be permitted provided the percentage of A1 uses does not fall below 60% (measured by the total number of units). Changes of use from A1 to other uses will not be permitted. In broad principle therefore, the proposed change of use is contrary to policy 6/7.

8.3 Notwithstanding the above, there are significant material circumstances which justify that the proposal will not result in any harm to the vitality and viability of the local centre. Policy

6/7 aims to retain retail, the key function of local centres. Arbury Court is currently very well served with retail units, the most recent shopping survey indicating 88% in A1 use. There is adequate scope therefore within the Local Centre for units to change to different uses within the A class which is allowed by Local Plan policy 6/7.

- 8.4 The supporting text of Local Plan policy 6/7 seeks to resist changes of use to other uses such as residential and commercial, unless there are exceptional circumstances. In this case, the proposed use falls within D2 Assembly and Leisure. D2 uses, include gyms, museums, indoor sports facilities and bingo halls, and while not specifically mentioned within policy 6/7, may provide activities which support the role and function of local centres. In my opinion the proposed D2 use would support the vitality and viability of the local centre and is consistent with the spirit of what local plan policy 6/7 seeks to achieve.
- 8.5 I recognise that there are differing opinions within the community as to the relative merits of the existing toy shop business and the future gym use of the unit. The manner in which particular businesses are run, and the services they might offer to the community, is not material to the assessment of this planning application. The scope of the assessment is whether the proposed D2 use, which could in the future be occupied by a range of activities and businesses, detracts from the retail function and vitality of Arbury Court. In my opinion no such harm would result.
- 8.6 The Council's Estate Management Team have confirmed that they have in the past experienced problems letting the unit, which contributes to my overall view that the change of use would support Arbury Court. In my opinion, the development will not detract from the vitality and viability of Arbury Court which is the key objective of local plan policy 6/7.

Context of site, design and external spaces

- 8.7 There are no physical alterations proposed. Any future change in signage would be dealt with under the Advertisement Regulations.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.8 The proposed gym use and other uses falling with use class D2 would be compatible with the adjacent retail uses and upper floor flats. There is some potential for noise disturbance through amplified music and associated plant. This can be adequately controlled through the imposition of suitable planning conditions. 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 and Cambridge Local Plan (2006) policies 3/4 and 3/7.

Car and Cycle Parking

- 8.9 The proposed D2 use would not require any additional car or cycle parking over and above the existing A1 retail use. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.10 The comments received have been covered in the above report.

9.0 CONCLUSION

- 9.1 The proposed change of use would not harm the vitality and viability of Arbury Court; and would support its function as a Local Centre. APPROVAL is recommended.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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. Before the development/use hereby permitted is commenced, a scheme for the insulation of the building(s) and/or plant in order to minimise the level of noise emanating from the said building(s) and/or plant shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented before the use hereby permitted is commenced.

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2006 policy 4/13)

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:

Cambridge Local Plan (2006): 3/4, 6/7.

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.