

NORTH AREA COMMITTEE**21ST MARCH 2013****Application Number** 12/1353/FUL**Agenda Item****Date Received** 6th November 2012**Officer** Ms Lorna Gilbert**Target Date** 1st January 2013**Ward** Arbury**Site** Units 1-3 Chesterton Mill Cambridge
Cambridgeshire CB4 3NP**Proposal** Proposed change of use from Use Class B1C (Light Industrial) to Use Class D2 (Assembly and Leisure)**Applicant**
c/o Agent

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none">☐ The proposal would bring three vacant units back into use and it is considered the proposal would comply with policy 7/3 of the Local Plan.☐ A Transport Assessment has been submitted as part of the application. It is considered the proposal would comply with policies 8/2 and 8/10 of the Local Plan.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site contains units 1-3 Chesterton Mill which are presently vacant but are designated for light industrial use. There are 12 other industrial units at Chesterton Mill. The industrial units are located at the northern end of French's Road. The site is bordered to the west by St Luke's Barn Community Centre, to the south by St Luke's C of E Primary School and to the east and north by industrial units part of Chesterton Mill. Beyond these buildings there are some residential properties.

- 1.2 The site is part of a light industrial park. However it is not designated as protected industrial use. The site is near to the Grade II listed mill which is located to the east of the site. The site is not within a conservation area.

2.0 THE PROPOSAL

- 2.1 The proposal seeks planning permission for the change of use of units 1-3 Chesterton Mill from B1(c) light industrial to D2 Assembly and Leisure use class. The purpose of this change of use is to allow The Little Gym to occupy the units. This business offers activities centred on movement, music and learning activities to children aged between four months and 12 years old.
- 2.2 The existing floor area is 358m.sq. The proposal would reduce the floor area to 286m.sq., as there would be a reduction in space at first floor level.
- 2.3 It would operate 7 days a week and have maximum class sizes of 12 children. The classes during the day would be scheduled with 15 minute breaks between to reduce parking pressures.
- 2.4 The proposed opening hours are 09:00 to 18:30 Monday to Saturday and between 11:00 to 17:00 Sundays and Bank Holidays. These times were requested by the agent in an email received on 8th January 2013.
- 2.5 The application is accompanied by the following supporting information:
1. Planning, Design and Access Statement
 2. Transport Statement
 3. The Little Gym Cambridge Noise Levels
 4. Contamination phase 1 desk study

3.0 SITE HISTORY

The most recent history:

Reference	Description	Outcome
C/94/0754	Extension and refurbishment of existing light industrial workshop (class B1); single storey part of	Approved 15.11.1994

C/85/0834	larger building. Refurbishment and alterations to buildings abutting a listed building.	Approved 9.10.1985
C/85/0743	Refurbishment and extension of existing buildings to provide offices.	Approved 9/10/1985
C/81/0589	Erection of light industrial building (submission of reserved matters.	Approved
C/80/0970	The erection of industrial buildings.	Approved

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
Cambridgeshire and Peterborough Structure Plan 2003	P6/1 P9/8 P9/9
Cambridge Local Plan 2006	3/1 3/4 3/7 4/13 6/2 7/1 7/3 8/2 8/4 8/6 8/9 8/10 10/1

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 Waste Management Design Guide 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> Cambridge Walking and Cycling Strategy
	<u>Area Guidelines:</u> Northern Corridor Area Transport Plan

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 The proposal will intensify the vehicular use of French's Road, but this intensification is considered to be within acceptable levels.
- 6.2 The Transport Assessment has considered the impact of the proposal upon the highway network, and the assumptions upon which this assessment is based and the conclusions of the assessment are considered robust and reasonable.

- 6.3 The calculation of the NCATP payment is accepted.
- 6.4 The traffic generated by the proposal, whilst greater in number, is likely to be of lesser size than that associated with the existing use, which would offset the impact upon residential uses in the area.
- 6.5 Therefore no objection is raised to the proposal by the Highway Authority.

Cambridge City Council Environmental Services

6.6 Noise

Proposed use as a gym for children will include amplified music, possibly at volume in association with gym/dance type classes. Unless this is suitably controlled there is the potential to cause disturbance to nearby properties. Additional car movements associated with classes, particularly if made late at night, could also increase the potential for disturbance to residents on Frenchs Road. Recommend that the hours of opening are restricted to those detailed in the application and that a condition is applied to control the level of amplified music and protect the adjoining units.

Second comment, following submission of a noise report by the applicant.

Noise assessment condition now not necessary, but noise insulation condition recommended.

6.7 Contaminated Land

Based on the proposed end use and the site history Phase 1 Desk Study concludes that there is minimal risk from any contamination; no further investigation is required. We agree with the conclusion of the report. We do not require any further information.

6.8 Waste Strategy

The applicant submitted further waste details on the 19th February 2013. Following on from the submission of this

additional information, Environmental Services no longer request a waste condition.

- 6.9 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:

12 The Meadows, Hasingfield
70 Wellbrook Way, Girton
Heales Medical, 27 Bridge Street, Hitchin

- 7.2 The representations in support (2) can be summarised as follows:

- Would help keep our children fit.
- similar facilities in the area are very popular, and have waiting lists.
- would provide a valuable service.

- 7.3 The representation objecting can be summarised as follows:

- increase in traffic
- car parking
- above issues would lead to complaints from customers

- 7.4 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 businesses
4. Refuse arrangements

5. Highway safety
6. Car and cycle parking
7. Planning Obligations Strategy

Principle of Development

- 8.2 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.

- 8.3 Policy 7/3 of the Local Plan (2006) explains that development, including changes of use, that results in a loss of floorspace within use classes B1(c) in the City will only be permitted if: a) there is sufficient supply of such floorspace in the City to meet the demand and/or vacancy rates are high; and either b) the proposed development will generate the same number or more unskilled or semi-skilled jobs than could be expected from the existing use. There are three further criteria stated.
- 8.4 The site is not designated as a protected industrial site in the Local Plan. The applicant has supplied information on vacancy rates. It explains that units 1-3 Chesterton Mill have been marketed since 7th June 2011 and were advertised in the Cambridge Evening News, Business Weekly, EGI Website, Commercial Property, and Right Move and circulated in the Estate Gazette Clearing House. There was no serious interest in the units over this period.
- 8.5 The units at Chesterton Mill have a combination of office and industrial uses. The applicant has looked at vacancy rates for Chesterton Mill and by March 2013 50% of the building stock will be vacant, with currently a third of the sites units being empty. All the remaining units are on short-term lease agreements.

- 8.6 The applicant also reviewed the supply of vacant units for industrial use in the city in October 2012 and identified a number of alternative sites.
- 8.7 It is considered that the applicant has satisfactorily demonstrated that there are high vacancy rates on the site and that the units included in the proposal have been vacant since June 2011 (19 months). They have also shown alternative industrial units available across the city.
- 8.8 The units are currently vacant but the application form shows there were previously four full-time employees and the proposal would create four full-time employee posts. There would therefore be no loss of jobs as a result of the proposal. Criterion (b) of policy 7/3 of the Local Plan refers to the development generating at least the same number of unskilled or semi-skilled jobs. It is considered that this criterion has been met.
- 8.9 The proposal would bring three vacant units back into use. In my opinion, the principle of the development is acceptable and in accordance with policy 7/3 of the Local Plan (2006) and the National Planning Policy Framework (2012).
- 8.10 The proposal seeks permission to convert the building into D2 (Assembly and Leisure) use class for its use as a Little Gym. D2 use class covers a broad range of uses such as cinema, concert hall and bingo hall. Other uses which fall under use class D2 may result in large numbers of people and vehicles using the venue and may harm the amenities of nearby properties. For this reason it is recommended that a condition is included to restrict the use of the building to what is proposed or for a similar use.

Disabled access

- 8.11 The existing layout does not accommodate a toilet suitable for disabled access, whereas the proposal includes one at ground floor level. A set of double doors is shown on the ground floor plans which will be capable of providing appropriate disabled access to the Little Gym. There is one disabled car parking space proposed.

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

Amenity of neighbouring businesses

- 8.13 The buildings surrounding the site are used for office and industrial uses as well as a community centre and primary school. Beyond these uses there are residential properties. There has been one objection to the proposal on traffic grounds.

Impact on amenity of neighbouring occupiers

- 8.14 A noise assessment has been submitted as part of the application. Environmental Services do not require an additional noise assessment. They requested a condition in relation to insulation to avoid unreasonable harm to neighbouring properties. This can be included if planning permission were to be given.

Amenity for future occupiers of the site

- 8.15 Due to the proposed use of the Little Gym for children, Environmental Services requested a contaminated land assessment to be undertaken because of past uses of the site. The applicant submitted a report in January 2013, which was reviewed by Environmental Services. Environmental Services found the report to be acceptable and agreed with the conclusion of the report. They require no further information on this matter.
- 8.16 In my opinion the proposal adequately respects the residential amenity of its neighbours and future users 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.

Refuse Arrangements

- 8.17 There is provision for two 660 litre wheelie bins. Environmental Services assessed the waste information submitted on the 19th February 2013 and are satisfied with the details. They no longer request a waste condition, if planning permission is given.

- 8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.19 An objection was received that raised concern with traffic running in both ways on an hourly basis along French's Road. It was concerned that increased traffic would be unsustainable. The objector currently experiences difficulties in leaving the site. They are also concerned with the turnaround times of the classes.
- 8.20 A Transport Assessment was compiled as part of the planning application. Comments were received from Highways. Highways stated that the traffic generated by the proposal, whilst greater in number, is likely to be of lesser size than that associated with the existing use, which would offset the impact upon residential uses in the area. Highways have no objection to the proposal.
- 8.21 The maximum class size will be 12 children. There will be a 15 minute turn around period between classes. This will help to reduce traffic congestion along French's Road. Highways are satisfied with the Transport Assessment. It is considered that the proposal would not have an unacceptable impact on the transport network.
- 8.22 Due to the nature of the development Northern Corridor Area Transport Plan contributions are required. This can be dealt with by way of a Unilateral Undertaking.
- 8.23 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

Car parking

- 8.24 The objector is concerned there is a lack of control over parking on the site. The objector explained that he has seen vehicles parked in the area by the proposed development, which appeared to be from non-site users.

- 8.25 The applicant wrote a letter dated 28th February 2013 in response to the objection. In this letter it explains that three staff members (with the fourth being the Franchise owner), will be contractually obliged to come to the site by a mode other than car. They seek to include signage to indicate to customers the parking spaces designated to The Little Gym. They wish to install 'bricked Ts' to demark each car parking space to avoid one car filling two spaces. They have included further information such as offering a discounted class price to customers who come by foot or bike. The letter also explains they are investigating other potential proposals.
- 8.26 The proposal provides thirteen car parking spaces. One of these has been designated as a disabled parking space. The Transport Statement predicts an even split between vehicular movements and non-car modes, based on survey work completed in association with the Little Gym at Bishop Stortford. The Transport Statement has been assessed by Highways and is considered acceptable. I consider the car parking provision for the proposal to be satisfactory.

Cycle parking

- 8.27 There is a provision of 12 cycle parking spaces located adjacent to the unit. This provision is considered acceptable.
- 8.28 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Planning Obligations Strategy

Transport

- 8.29 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 Northern Corridor Area Transport Plan.
- 8.30 The applicant has submitted a Transport Statement on which an assessment of additional trips is based. The Transport Statement predicted that the scheme would result in an increase of 74 movements per day by all modes over that generated by the permitted use of the unit. This therefore requires a contribution of (74 x £399=) £29,526.00 towards

Northern Corridor Area Transport Plan contributions. This calculation has been accepted by the County Council (Highways). This contribution can be dealt with by way of a Unilateral Undertaking if planning permission is to be granted.

- 8.31 Subject to a S106 planning obligation to secure this infrastructure provision, the proposal would comply with 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

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. Hours of opening to be between the following hours only: 09.00 hours to 18.30 hours Monday to Saturday and 11.00 hours to 17.00 hours on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the nearby residential properties and be in accordance with policies 3/4 and 3/7 of the Local Plan (2006).

3. When amplified music and/or amplified vocals are being played in the gym at levels above background all external doors and external windows to the gym shall be kept shut.

Reason: To protect the amenities of nearby residents and to be in accordance with policies 3/7 and 4/13 of Local Plan (2006).

4. The building shall only be used as a gymnasium and not for any other uses which fall under D2 (Assembly and Leisure) Use Class within The Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To protect the amenities of nearby residents and the occupiers of neighbouring buildings and to comply with Local Plan (2006) policies 3/7 and 4/13.

Reasons for Approval

1. This development has been approved subject to conditions and the prior completion of a section 106 planning obligation (/a unilateral undertaking), because subject to those requirements it is considered to conform to the Development Plan as a whole, particularly the following policies:

Cambridgeshire and Peterborough Structure Plan 2003: P6/1, P9/8, P9/9

Cambridge Local Plan (2006): 3/1, 3/4, 3/7, 4/13, 6/2, 7/1, 7/3, 8/2, 8/4, 8/6, 8/9, 8/10

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.

Informative: The Councils document Developers Guide to Contaminated Land in Cambridge provides further details on the responsibilities of the developers and the information required to assess potentially contaminated sites. It can be found at the City Councils website on <http://www.cambridge.gov.uk/ccm/content/environment-and-recycling/pollution-noise-andnuisance/land-pollution.en>.

Hard copies can also be provided upon request.

Informative: The Council has produced a guidance to provide information to developers on waste and recycling provision which can be accessed from the City Council website via the following link:-

<http://www.cambridge.gov.uk/ccm/content/planning-and-building-control/waste-and-recyclingprovision-information-for-developers.en>