

Application Number	14/1252/FUL	Agenda Item	
Date Received	5th August 2014	Officer	Mr Tony Collins
Target Date	30th September 2014		
Ward	Petersfield		
Site	Citylife House Sturton Street Cambridge CB1 2QF		
Proposal	Change of use from the permitted use as a studio/cafe bar/multimedia education centre and community facility (sui generis) granted under planning permission 97/1020 to a Class D1 dance school/studio including limited alterations to the external envelope of the building.		
Applicant	c/o Agent United Kingdom		

<p>SUMMARY</p>	<p>The development accords with the Development Plan for the following reasons:</p> <p>The proposed use would maintain the community use of the building and improve links with the local community by providing classes and facilities.</p> <p>The potential impact on the amenity of residential neighbours can be addressed through conditions.</p> <p>The highway authority has advised that the proposal would not cause any significant threat to highway safety.</p>
<p>RECOMMENDATION</p>	<p>APPROVAL subject to conditions.</p>

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site lies adjacent to St Matthew’s Piece in the Petersfield area of the city. It is bounded on the east side by York Street, on the north side by New Street, on the west side by Sturton

Street, and to the south by the open space of St Matthew's Piece. The areas to the east, south and west of the site are primarily residential, including many small nineteenth-century terraced houses, and small modern houses and flats. The area to the north is a mixed area, which includes light industrial and retail uses as well as dwellings and student accommodation.

- 1.2 The site lies wholly within the City of Cambridge Conservation Area No. 1 (Central). The northern and eastern boundaries of the site also form the boundary of the conservation area.
- 1.3 The trees which stand along the eastern, northern and western boundaries of the site (London planes and one lime) are protected by Tree Protection Order (TPO) 4/2005. The majority of the site does not have any specific designation in the adopted Cambridge Local Plan of 2006, but a strip of land on the east side of the site, fronting onto York Street, is designated as Protected Open Space. This strip includes a number of Plane trees and is of an irregular shape. Part of the Protected Open Space is currently covered by tarmac and is used as car parking associated with Citylife House.
- 1.4 The car park is situated on the New Street frontage to the site, and provides parking for 39 vehicles of which 6 are for disabled parking. There are also a total of 22 cycle parking spaces along the eastern side of the building.
- 1.5 The site lies outside the Controlled Parking Zone.

2.0 THE PROPOSAL

- 2.1 This application seeks planning permission for change of use of the existing sui-generis use (97/1020) to dance school/studio (D1 use) including external alterations to the main building principally involving the insertion of a number of windows on the east elevation of the building facing York Street.
- 2.2 The proposal is for the building to be altered for occupation and use by Bodywork Company Dance Studio, and will facilitate their relocation from a number of sites within central Cambridge. These comprise two properties on Glisson Road, whilst Bodywork also utilise space within the local YMCA and at St Paul's Centre, both of which are within walking distance of their Glisson Road facilities.

- 2.3 Bodywork Company Dance Studios was founded in 1981. In 1990 Cambridge Performing Arts was founded. It provides high-level courses in professional dance and musical theatre.
- 2.4 Bodywork also offers a range of dance and fitness classes from Monday to Saturday. This is proposed to continue within the existing building. The proposed use would operate student classes from 0800 (registration) until 1700 or 1800 Monday - Friday. Term and half term dates follow Cambridge school holidays. Theatre school children classes start at approximately 1630 and all day on Saturday. Adult/community classes start at 1830 - 2200 Community classes could also run at weekends, popular classes include adult ballet, contemporary dance, tap, Zumba, pallate, yoga and various fitness classes. Weekends additional classes and workshops could be arranged.
- 2.5 Saturday hours overall would be 0900-1800 and Sunday hours 1000-2100. The Sunday activities will be predominantly for community based activities, and Saturday activities will equally be geared towards the local community. Classes after 6pm during the week (Monday to Friday) are principally aimed at the local community.
- 2.6 The submitted plans demonstrate that the scheme will deliver a total of 9 dance studios, ranging in size from 35 sqm through to 131 sqm. The proposal also includes storage space, electrical cupboards, wardrobes, offices, changing facilities and WCs/showers, and a reception area plus staff room and a coffee bar/break-out space.
- 2.7 In addition, at first floor level on the south-east corner of the building, there is a proposal for a small community coffee shop, and the intention would be for this to potentially spill out into the outside area adjoining St Matthew's Piece.
- 2.8 The proposal includes the provision of 74 cycle parking spaces around the northern, western and southern perimeter of the building. The current site provides 39 car parking spaces which the proposal would be maintain but 17 of the spaces would be allocated to Bodywork staff of which there are proposed to be 35 full (12) and part time (23) staff.

3.0 SITE HISTORY

Reference	Description	Outcome
97/1020	Change of use from youth club to studio/ café-bar/multi-media education centre and community facility (sui generis),	Approved with conditions
99/0454	Illuminated signage	Approved with conditions
99/0956	Temporary change of use to winter Nightshelter,	Withdrawn
05/1171	Change of use from studio / café-bar /multi-media education centre and community facility (sui generis) to public open space	Approved with conditions
05/1180	Demolition of Howard Mallett Centre	Approved with conditions
06/0567	Erection of Community Innovation Centre	Refused, appeal dismissed

4.0 PUBLICITY

4.1	Advertisement:	No
	Adjoining Owners:	Yes
	Site Notice Displayed:	No
	Public Meeting/Exhibition (meeting of):	Yes

5.0 POLICY

5.1 Central Government Advice

National Planning Policy Framework 2012
National Planning Practice Guidance 2014
Community Infrastructure Levy Regulations 2010
Circular 11/95 – The Use of Conditions in Planning Permissions (Annex A)

5.2 Cambridge Local Plan 2006

3/4 Responding to context
3/7 Creating successful places

3/11 The design of external spaces
3/14 Extending buildings
4/2 Protection of open space
4/4 Trees
4/11 Conservation Areas
4/13 Pollution and amenity
4/15 Lighting

5/11 Protection of community facilities
5/12 New community facilities
8/2 Transport impact
8/4 Walking and Cycling accessibility
8/6 Cycle parking
8/10 Off-street car parking

5.3 Supplementary Planning Documents

Cambridge City Council (May 2007) – Sustainable Design and Construction

Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)

Eastern Gate Supplementary Planning Document (October 2011)

5.4 Material Considerations

City Wide Guidance

Cycle Parking Guide for New Residential Developments (2010)

Area Guidelines

Cambridge City Council (2002)–Eastern Corridor Area Transport Plan:

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

6.1 No comments to make.

Cambridgeshire County Council (Transport)

First Comments:

6.2 The submitted Transport Statement is insufficient and further information is required in order to be able to comment fully. The following additional information is required:

- How the parking spaces for the proposed use will operate and be controlled, particularly at weekends for drop offs;
- Explanation to accompany the car parking accumulation assessment including how the profile has been derived;
- Further justification required on the comparative trip generation between the existing Bodyworks use and current use;
- Further clarification concerning trip travelling off site;
- Details of the timetable of classes to understand the number of students expected to arrive and/or leave the site and associated parking demands;
- Details of other possible uses of the site on weekends e.g. other community uses which could potentially attract trips;
- Further details are required concerning trip travelling off site during the date and the scale of development remaining as existing in order to determine the ECATP figure;
- Further information require on transport impact to fully comment on the potential impacts on the surrounding area;
- Travel plan should be provided prior to occupation should be secured through condition or s106 agreement.

Therefore, a holding objection is recommended until the additional information is provided.

Second comments:

6.3 Following discussions with the agent's transport consultant, the holding objection can be removed, as the information provided in the additional information has adequately responded to the issues raised by CCC, subject to the following:

- A travel plan to encourage users of the proposed development to travel using sustainable transport modes;
- Parking management plan detailing how parking will be managed on site;
- A financial contribution of £31,831 to secure ECATP contribution.

Head of Refuse and Environment

- 6.4 No objections subject to conditions relating to construction hours, plant noise mitigation, noise limitation devices fitted within the studios, doors and windows to be kept closed, and hours of use.

Urban Design and Conservation team

- 6.5 The proposed works will not have a detrimental impact on the character or appearance of the conservation area and is therefore supported.

Tree Officer

- 6.6 No objection subject to conditions requiring an Arboricultural Method Statement and Tree Protection Plan being submitted for approval.
- 6.7 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 Councillor Robertson has commented on this application and raised concerns with potential increase in vehicle movements and has concerns with the number of car parking spaces to be provided and the impact on the existing car parking provision from the potential new building proposed adjacent to the existing building.
- 7.2 The owners/occupiers of the following addresses have made representations:
- 17 Fairsford Place
 - 97 York Street
- 7.3 The representations can be summarised as follows:
- The site is not suitable for a dance studio use;
 - Significant increase in traffic generation would;
 - Children's safety would be affected;

- Increase in noise levels from the proposed use;
- Detrimental impact on the residential amenity of the surrounding neighbours;
- The coffee shop use is unwelcome and will increase noise;

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. Context of site, design and external spaces
3. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Third party representations

Principle of Development

8.2 The proposed use would falls within the parameters of Core uses within D1 (Non-residential institutions) use, as set out in paragraph 5.22 of the Local Plan. The proposed use would provide the provision of education and a dance studio which would be open to the local community. On this basis, policies 5/12 (New community facilities) and, to some extent, 5/11 (Protection of Existing Facilities) are relevant to assess this proposal.

8.3 Policy 5/12 states that proposal to develop new or extend existing community facilities, for which there is a local need, will be permitted. Paragraph 5.26 states that flexible buildings such as community centres or halls should be designed to accommodate as many different community and leisure activities as possible. The proposal would continue and extend the existing community use of the existing building.

8.4 Policy 5/11 (Protection of Existing Facilities) advises that development leading to the loss of community facilities will only

be permitted if it can be demonstrated, inter-alia, that the facility can be replaced to at least its existing level and quality within the new development. That is the approach that is being taken in this instance.

- 8.5 In my opinion, the principle of the development is acceptable and in accordance with policies 5/11 and 5/12 of the Cambridge Local Plan (2006).

Context of site, design and external spaces

- 8.6 The proposal includes some external alterations to the existing building which consists of seven additional windows in the eastern elevation (York Street side) including an area for a condenser unit. Six of the windows in the eastern elevation are to be inserted to give light to the first floor dance studios proposed with that aspect. These new openings will improve the currently bland and stark eastern elevation, and will provide life and animation which will benefit the building and the surrounding area. No details have been provided for the proposed condenser unit. A separate planning application will be required for this and will be assessed accordingly.
- 8.7 The proposal also includes an increase to the height of part of the roof of the building to accommodate the mezzanine level. This would affect the central section of the eastern elevation and include a step increase of 750mm. This additional increase in height of the central section of the building on the eastern elevation would not have any significant adverse impact on the character or appearance of the Conservation Area.
- 8.8 In my opinion the proposed external alterations are acceptable and compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.9 Concerns have been raised regarding the potential noise impact from the proposed use and pedestrian safety impact from the increased level of traffic generation associated with the proposed use.

- 8.10 In terms of noise impact, the applicant has submitted a noise report which has been carefully assessed by the Environmental Health Officer (EHO). After several iterations, the EHO is satisfied with the noise report, as report gives a concise and detailed argument in support of the change of use and applies stringent noise limits for noise limiting devices. On this basis, and subject to the recommended noise mitigation conditions, I do not consider the proposed use would create significant levels of noise nuisance such that it would have a detrimental impact on the residential amenity of the adjoining residents.
- 8.11 In terms of the impact from traffic generation, the transport statement has been carefully assessed by County Highways. After several discussions with the applicant's transport consultant and submission of further information, County Highways are now satisfied with that, subject to conditions relating to the parking management and travel plan to encourage sustainable modes of transport to arrive at and leave the site, the proposed use would not significantly increase traffic generation and car parking in the area to levels that would have an adverse impact on the character of the area or the residential amenity of the surrounding residents.
- 8.12 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.

Refuse Arrangements

- 8.13 No details for the proposed refuse arrangements have been provided. There is an enclosed bin store on the eastern side of the building but no details of its capacity have been provided. I have therefore recommended a waste condition to ensure details are provided for our approval before the commencement of the proposed use.
- 8.14 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.15 Whilst concerns have been raised regarding the potential impact on highway safety, the County Highways Officer has

raised no issues with highway safety from the proposed use and they have removed their holding objection to the proposal.

- 8.16 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

Car parking

- 8.17 The proposal does not include any loss of car parking from the existing level of 39 spaces (33 standard space and 6 disabled spaces). However the proposal is to allocate 17 of the 39 spaces to Bodyworks. These spaces will only be allocated to staff during 9am to 5pm after which the spaces will be used for drop-off with a dwell time of 5 mins. According to the applicant's transport information, none of the students attending the existing Bodywork sites use a car as a mode of transport. Students mostly walk, cycle or use public transport. As for staff, they mostly use a car or public transport. For the evening classes, the mode of transport is split between car, cycle, walking or public transport.
- 8.18 The applicant is willing to submit a Travel Plan which will encourage alternative modes of transport and provide travel information to all students and visitors.
- 8.19 The proposal include 263 sqm of new floor space, which would according to the Council's car parking standards require 1 space per 20sqm of public space (including disabled car parking) to be provided. This equates to 14 spaces. Whilst it would be difficult to squeeze any additional car parking on the site without having an impact on the existing protected open space, I am satisfied that the site located within a sustainable location with good links to public transport and is highly accessible. County Highways have also recommended a condition requiring a parking management plan which details how parking will be managed on site. In these terms, therefore, I do not consider the lack of additional car parking would have a detrimental impact on the site or area such that it would warrant the refusal of this application.
- 8.20 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.21 I have addressed most of the concerns raised by third representations in the above sections. I set out below my response to the outstanding concern.

The potential cumulative impact on car parking arising from the potential new building adjacent to the Citylife building.

- 8.22 A potential planning application for student accommodation building on land east of the Citylife building cannot be taken into consideration as part of this application as each application is considered on its own merits. There is no certainty that an application for such a building will be made.

Planning Obligations

Transport

- 8.23 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 East Corridor Area Transport Plan where the contribution sought per trip is £229. A total ECATP contribution is required for (139 x £229) £31,831. The applicant is willing to enter into a s106 agreement to secure this obligation as part of the proposed use.

Planning Obligations Conclusion

- 8.24 It is my view that the planning obligation is necessary, directly related to the development and fairly and reasonably in scale and kind to the development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010.

9.0 CONCLUSION

- 9.1 The proposed change of use from sui-generis to D1 (Bodywork) use would maintain a community use in this location such that it would be to the benefit of the local community. Whilst during the day the proposed use would be used by students working towards an academic qualification, the building and studios

would be opened up to the local community and several fitness classes are proposed to be arranged. The applicant is keen to emphasize their willingness to engage with and incorporate the local community with the proposed use.

- 9.2 The applicant has demonstrated that the proposed use would not have a significantly adverse impact on the residential amenity of the surrounding residents in terms of noise levels and traffic generation subject to conditions.

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. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

3. No development shall commence until details of facilities for the covered, secured parking of bicycles for use in connection with the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

Reason: To ensure appropriate provision for the secure storage of bicycles. (Cambridge Local Plan 2006 policy 8/6)

4. Prior to the commencement of development and with reference to BS 5837 2012, details of the specification and position of all protection measures and techniques to be adopted for the protection of any trees from damage during the course of any activity related to the development, shall be submitted to the local planning authority for its written approval in the form of an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP).

The approved AMS and TPP will be implemented throughout the development and the agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority.

Reason: To protect the visual amenity of the area and to ensure the retention of the trees on the site. (Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4)

5. Except with the prior written agreement of the local planning authority no construction work or demolition shall be carried out or plant operated other than between the following hours: 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

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

6. Before the development/use hereby permitted is occupied, a scheme for the insulation of the plant in order to minimise the level of noise emanating from the plant shall be submitted to and approved in writing by the local planning authority. 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)

7. Noise limiting devices (specification and design to be agreed with the LPA) shall be fitted within the studios so that all amplified music is channelled through the devices. The maximum noise levels will be set by agreement with the LPA and will be reviewed from time to time as appropriate.

The Premises Management and/or nominated person shall ensure that the noise limiting device is sealed after commissioning, so that sound operators cannot override the system during any performance or class and that the agreed settings are kept unless otherwise agreed in writing by the LPA.

The use hereby approved shall be carried out in accordance with the approved specifications and details.

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

8. During performances, practices or classes all doors and windows in the studios being used must be kept closed at all times.

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

9. The premises shall only be used for performances, practice sessions and dance classes between the hours of 08.00 and 22.00 Monday to Saturday and between 10.00 and 21.00 on Sundays.

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

10. Prior the commencement of the use hereby permitted full details of waste storage and collection arrangements shall be submitted to and approved in writing by the local planning authority. The agreed arrangements shall be maintained permanently thereafter.

Reason: To ensure satisfactory waste and recycling provision and to protect public amenity. (Cambridge Local Plan 2006 policies 3/1 and 3/4)

11. Prior to the commencement of the use hereby permitted, a parking management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of how the parking for the use is managed on site. The car parking for the approved use shall thereafter be carried out in accordance with the approved plan.

Reason: To ensure the existing car parking operates effectively with the use and to minimise the impact from on street parking (Cambridge Local Plan (2006) policies 8/1, 8/3 and 8/10).

12. No development shall take place until a Travel Plan for the Bodywork use has been submitted to and approved in writing by the local planning authority. The Travel Plan shall be focused on encouraging sustainable modes of transports for its students, staff and visitors. The approved plan shall be implemented and monitored according to the provisions approved by the local planning authority.

Reason: To increase sustainability, limit pollution, and mitigate any air quality impact of the development. (Cambridge Local Plan (2006) policies 3/1, 4/13, 4/14 and 8/2)