

Application Number	15/2372/FUL	Agenda Item	
Date Received	20th January 2016	Officer	Mairead O'Sullivan
Target Date	16th March 2016		
Ward	Petersfield		
Site	Citylife House Sturton Street Cambridge Cambridgeshire 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 permission 97/1020 to general education use within use class D1, including alterations to eastern & southern elevations, external landscaping and reconfigured cycle parking.		
Applicant	2 Hills Road Cambridge Cambridgeshire CB2 1JP United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The use is acceptable subject to a Community Access Agreement secured through a S106 agreement to comply with policy 5/11. <input type="checkbox"/> The proposed works are similar to those permitted under 14/1252/FUL and are considered acceptable in terms of design. <input type="checkbox"/> The proposal would not harmfully impact on the amenity of the surrounding occupiers.
RECOMMENDATION	APPROVAL

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 Central Conservation Area. 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 northern section of the Protected Open Space is currently covered by tarmac. The site is presently surrounded by hoardings and a small tarmac path has been installed diagonally across it.

2.0 THE PROPOSAL

- 2.1 The application seeks a change of use from a combined commercial and community sui generis use under a permitted 1997 application to a general education use within use class D1. The building would provide 13 studios ranging in size from 35sqm to 100sqm. Studios 1, 2, 3, 4, 5, 8 and 9 are all equipped with sprung floors. The remaining studio spaces have hard floors, are typically smaller and are mainly equipped with mirroring. The plans show the smaller studio spaces as annotated for music/drama uses. The building would have a capacity for approximately 160 students. A sound room is proposed for recording. There is a coffee shop/breakout area proposed within the entrance foyer. Changing facilities are provided including an accessible WC and shower room. A

number of small offices are included; these would be ancillary to the general educational use of the site.

- 2.2 The application also proposes a number of alterations to the southern and eastern elevations, landscaping works and the reconfiguration of cycle parking on the site.
- 2.3 The plans have been amended since submission. The proposed plant has been relocated from the eastern wall to the roof. An additional external stairs is proposed leading to the northernmost door on the west elevation. The plans submitted as part of this application match those submitted under application 16/1272/S73 which seeks amendments to 14/1252/FUL (see paragraph 3.8) also before Planning Committee.
- 2.4 The external and internal works are retrospective and have been largely completed.
- 2.5 The applicant has submitted two addendums to the initial planning statement submitted as part of the application. These provide further information regarding the proposed use and community access to the building, including a draft Community Access Agreement to form part of a S106 agreement.

3.0 RELEVANT SITE HISTORY

- 3.1 The site has an extensive planning history. The most relevant history to this application is listed in the below table.

Reference	Description	Outcome
16/1272/S73	Section 73 application to vary condition number 2 of permission 14/1252/FUL to permit revised cycle and bin storage locations, revised internal configurations and revised location of plant from the eastern elevation to the roof.	Pending consideration
14/1252/FUL	Change of use from the permitted use as a studio/cafe bar/multimedia education centre	Permitted

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.

06/0567/FUL	Erection of a community innovation centre.	Appeal Dismissed
06/0631/CAC	-	Withdrawn
05/1171/FUL	Change of use of land (Howard Mallett Centre) from Sui Generis use to public open space as part of St Matthew's Piece.	Permitted (not implemented)
05/1180/CAC	Demolition of Howard Mallett Centre.	Permitted (not implemented)
C/97/1020	Change of use from a youth club to a broadcasting studio, cafe-bar and multi-media education centre, and community facility (a sui generis use), with external alterations to building, laying out of car park and landscaping.	Permitted (operative consent)
C/90/0678	USE OF LAND FOR CAR PARKING.	Appeal Allowed – temporary period ending 31/12/93
C/86/1229	CONTINUED USE OF SITE AS A CAR PARK (EXTENSION PERIOD OF CONSENT).	Approved with conditions

3.2 The 1997 application is the current operative consent for the site and planning permission is sought for a change of use from

this permission to general education use within use class D1. The 1997 permission was subject to a S106 agreement which secured a variety of community access related provisions. The material weight to be attributed to this permission and what it secures is set out as part of the officer assessment.

- 3.3 The 2006 application for a community innovation centre on the site following the demolition of the existing building was dismissed on appeal. This application was originally granted planning permission on the 14 December 2006 but the decision was subsequently quashed by order of the High Court following legal action taken by the community. It was reconsidered by the Council and refused planning permission on 14 February 2008. The reasons for dismissal of the appeal were on the grounds of poor design and external appearance and lack of safeguards regarding general or light industrial uses and their impact on residential amenity. The Inspector noted that a number of objectors had wished to see the site returned to public open space. He stated:

'But although I can see why many would regard this as an attractive option, I cannot judge from the information available to me whether it might also become a realistic one at sometime in the future. As far as I am aware, there is nothing in the adopted Local Plan or any emerging plan to support such a proposal. I also note that the planning permission granted in 2006 for change of use to open space has now expired. Consequently I give little weight to this issue. I appreciate that some objectors also consider the loss of the site from open space use in the 1960s to have been unlawful, but that is a legal rather than a planning matter, and as such is outside the scope of my considerations.'

- 3.4 The Inspector's comments regarding open space are relevant to a number of objections raised by third parties on this application.
- 3.5 In 2014, application 14/1252/FUL was submitted for a class D1 dance school/studio use. The application was recommended and endorsed for approval by Planning Committee at its meeting of 4 March 2015. It was subject to a S106 agreement for contributions amounting to £31,831 relating to highways improvements to St Matthew's Street Junction. Planning permission was given on 28 October 2015.

- 3.6 The intended occupier at the time of the 2014 application had been Bodywork; a local dance school. Like most planning permissions, the permission was not personal and was not conditioned or secured as part of the S106 specifically for Bodywork. The permission is for a D1 dance school/studio use and this has been confirmed as part of the applicant's legal advice and advice from the Council's solicitor. The permission for the 2014 application does not secure community access to the building albeit it was Bodywork's intentions at the time of the application to relocate to the site and allow community access to its dance programme offer. The implications of the terms of the 2014 permission are discussed as part of the officer assessment.
- 3.7 Members will note that in terms of the 2014 application, internal and external operational works have begun and are almost complete. A number of the operational works relate to pre-commencement conditions, some of which have been retrospectively discharged. The permitted use has not commenced at the time of writing this report and condition 12 remains outstanding (separately reported to Committee). The 2014 permission is extant and can be lawfully implemented. As a result of this, the current application proposes a change of use from the operative consent obtained for the site in 1997.
- 3.8 The 2014 application is also subject to a S73 material amendment application (16/1272/S73) to alter some of the approved plans as per condition 2 in respect of bin storage, plant and cycle parking and the internal layout. The proposed amendments seek to regularise works which have been done to the building which do not accord with the approved drawings. This amendment application is also before Planning Committee for determination, having been called-in by Cllr Robertson.
- 3.9 The above summary of the planning history of the site relates to more recent applications. Officers are aware of various applications for use of the building dating back to the 1960's, including for the erection of a Youth Centre.

4.0 **PUBLICITY**

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|-----|-------------------|-----|
| 4.1 | Advertisement: | Yes |
| | Adjoining Owners: | Yes |

Site Notice Displayed:

Yes

Various amendments to the application have been undertaken. These are outlined in the officer report and the main revisions have all been subject to further consultation.

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, 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 3/7 3/11 3/14 4/2 4/4 4/11 4/13 5/11 5/12 7/11 8/2 8/6 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 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management

	Design Guide Supplementary Planning Document (February 2012)
Material Considerations	<u>City Wide Guidance</u> Arboricultural Strategy (2004) Cycle Parking Guide for New Residential Developments (2010)
	<u>Area Guidelines</u> Mill Road Area Conservation Area Appraisal (2011)

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan that should be taken into account.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

First comment

- 6.1 The Highway Engineer has requested that the developer provide a Transport Statement to explain the impact of the proposals upon the highway network.

Second comment

- 6.2 Requests amendments and clarification on a number of points in relation to the Transport Statement. The Travel Plan will be assessed once the outstanding issues have been addressed.

Third comment

- 6.3 Further information is required. It is unclear whether CSVPA would be relocating or whether this would be part of an expansion. This point needs to be clarified so as to assess whether there will be movement between the two sites throughout the day. The hours of operation of the school and community use also need to be clarified. It is unclear whether staff cycle parking is to be provided. A cycle accumulation study is required. The remaining car parking on site should be prevented from being used and fenced off. This could be managed via condition. The mode share has not yet been agreed so it is unclear whether parking arrangements are appropriate. Further information is required about existing car use by students. Requests that the survey data from CSVPA and Bodywork is appended to the Transport Statement. The applicant needs to demonstrate that the data provided regarding the evening community use is representative of the worst case scenario. Local residents have noted a high level of taxi use by students of CSVPA. This point needs to be clarified. A car parking management plan should be secured via condition. The County Council retain a holding objection until further information and clarification has been provided.

Fourth Comment

- 6.4 The County Council has reviewed the Transport Statement and additional information submitted to accompany the application and consider all outstanding matters have been resolved, and they are therefore able to remove the holding objection subject to the following being secured through a S106 or planning condition.

- Car parking management plan

- 17 car parking spaces should be provided for use of the site and the remainder of spaces on site prevented from use.

- Travel Plan to be updated, submitted and approved by the County Council prior to occupation. In the event that another operator occupies the site an update to the Travel Plan should be triggered.

- A mitigation package will need to be agreed with the County Council

Environmental Health

6.5 No Objection: The application is acceptable subject to a number of conditions. These relate to construction hours, plant noise insulation, noise limitation devices, doors/windows and hours of use.

Second comment

6.6 No comments on the amendments

Third comment

6.7 No Objection: The primary concern is noise. The applicant has previously submitted a plant noise assessment and operational noise assessment to discharge conditions on the previous consent ref 14.1252/FUL. This information was considered satisfactory. The dance studio use would be the worst case scenario in terms of noise impact from a D1 use. Therefore any additional D1 uses should be adequately covered within this assessment. Previous comments remain relevant and as a result four conditions are recommended. These relate to construction hours (condition 3), noise limitation devices (condition 4), hours of use (condition 5) and the closure of doors and windows (condition 6).

Urban Design and Conservation Team

First comment

6.8 No Objection: It is considered that there are no material conservation issues with this proposal.

Second comment

- 6.9 No Objection: The Conservation Team do not consider that the additional information submitted will have any more impact on the conservation area than the original application.

Third comment

- 6.10 Concerns had been raised regarding the roof top plant and its impact on the Conservation Area. The conservation Officer has viewed photographs of the plant in situ. In her view the new plant does not have any greater effect on the character or appearance of the conservation area than that which was previously in position.

Access Officer

- 6.11 No Objection: The Access Officer originally stated that disabled access needed to be improved. A follow up e-mail from the Access Officer, following an assessment of the plans, shows internal access for wheelchair users to be improved with the provision of a lift suitable for wheelchair use to the various internal levels and ramped level access from the outside of the building. The Access Officer is satisfied with the layout and requests that the disabled changing room has an adjustable height bench instead of a chair. This is recommended as an informative.

Head of Streets and Open Spaces (Walking and Cycling Officer)

- 6.12 The Design & Access Statement does not state how many students and staff are anticipated to use the site. A location for the additional cycle parking spaces needed must be shown on a plan and not left to a condition – the applicant must show that there is space for all the cycle parking required.

(Officer note: Condition 3 of 14/1252/FUL has been discharged subsequent to this advice, and whilst I do not have further feedback from the Cycling and Walking Officer, I have assumed this issue has been resolved as the level of cycle parking required for that application is the same as this application. I will report any further comments on the amendment sheet).

6.13 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 in objection to the application:

First and second consultation

- 10B, 12 and 39b Abbey Street
- 36 and 37 Abbey Walk
- 27 and 70 Ainsworth Street
- 1 Athlone, Staffordshire Street
- 15 Blossom Street
- 6 Edward Street x 3 + 9 Reports
- 12 Enfield Road
- 1 and 14 Fairsford Place
- 17 and 18 Fairsford Place x2
- 14A Geldart Street
- 69 Glisson Road
- 12 and 113 Gwydir Street x2
- 142 Gwydir Street
- 119 High Street
- 23 Hope Street
- 30 Lyndewode Road
- 15A and 20 Milford Street
- 89 New Street
- 16 Norfolk Terrace
- 52 Norwich Street
- 4 Oswald Terrace
- 34 Petworth Street
- 2 Regent Street (Cambridge Cycle Campaign)
- 83 and 95 St Mathews Garden
- 17 and 20 Saxon Road
- 22 Sleaford Street
- 16 Stone Street
- 1, 14, 47-49, 60, 61, 63, 72, 102, 131, 143, 158, 164, 179A and 196 Sturton Street
- 2 The Old School, Norfolk Street
- 1A and 6 Upper Gwydir Street
- 4 Vinery Road

- 50, 80, 80B, 84, 106B, 121, 152, 154 and 168 York Street
- 80B York Street
- 48 Young Street
- 2, 11 and 16 York Terrace

Third and fourth consultations

- 52 Abbey Road
- 108B Abbey Street
- 34 Abbey Walk
- Albert House, Young Street
- 1 Athlone, East Road
- 68 Beche Road
- 50 Cavendish Road
- 82 Chartfield Road
- 18 Devonshire Road
- 6 and 8 Edward Street
- 4 Eltisley Avenue
- 1, 7, 15, 17 and 18 Fairsford Place
- 25-29 Glisson Road
- 12, 106, 113 and 142 Gwydir Street
- 28-29 Haymarket, London
- 61 Highsett, Hills Road
- 14 Hooper Street
- 81 Mawson Road
- 89 New Street
- Old School, Norfolk Street
- 29 Perowne Street
- 26 Petworth Street, Saxon Road, Cirecester
- 74 Saint Barnabas Road
- 17 Saxon Road
- 1A Silverwood Close
- 61, 63, 183, 185 and 186A Sturton Street
- 5 The Broadway, Mill Road
- 1A and 10 Upper Gwydir Street
- 102, 103, 108, 114, 121, 152 and 168 York Street
- 68 Young Street

7.2 A number of representations did not include an address. These cannot be taken into consideration.

7.3 The owners/occupiers of the following addresses have made representations in support of the application:

- 35 Romsey Road,
- 36 Springfield Road
- 102 and 170 Sturton Street

- 7.4 Councillor Robertson requests that the application be decided at Planning Committee. He requests that the applicant clarify the intended use for the site. He expresses concern that the change of use could result in the building being used for an educational use which would not comply with policy and sites policy 7/11 which relates to language schools as an example.
- 7.5 Councillor Gillespie expresses concern regarding the loss of a community facility and the failure of the applicant to discharge pre-commencement conditions. He questions whether it would be possible for the tarmac covered area of the Protected Open Space to be returned to green space.
- 7.6 Councillor Richard Johnson, Caroline Hart and Peter Roberts all request that the application be heard at Planning Committee following a concerned email from a local resident. This email expresses concern that the community facility would be replaced by a private enterprise with no benefit to local people.
- 7.7 Due to the volume and detail of the third party representations made in objection to the application, a table containing a summary of the comments received in objection with a response to each issue raised can be found in appendix 1.
- 7.8 An objector at 6 Edward Street has submitted a number of individual reports in objection to the application. These reports are summarised and issues which are raised are responded to in appendix 2.
- 7.9 Petersfield Area Community Trust (PACT) has submitted a number of letters of objection to the application and on the first draft of the Community Access Agreement. These letters have been summarised and the issues raised responded to in appendix 2.
- 7.10 The key third party objections to the application are also assessed in the main body of the officer report and are summarised in the table below:

- The proposal would result in the loss of a community facility
- CSVPA are not an eligible occupier as they are a university teaching accommodation/language school
- CSVPA caters mainly to international students
- Contrary to policy 5/11
- The proposed occupier would not benefit the local community
- Future community use of the site must be protected
- Concerned about an increase in traffic to the area
- Travel Statement(s) is/are flawed
- There is a high level of taxi use by CSVPA students
- Cycle parking is inadequate
- Noise/light disturbance from the use of the building.
- Request that Protected Open Space is freely accessible
- Request that tarmac is removed from Protected Open Space
- The Draft Community Access Scheme is not fit for purpose and would discourage community use
- Deposit for community use is prohibitive/flat cost of access is important
- Pre-commencement conditions on 14/1252/FUL were not discharged/offer little protection
- Area is already overcrowded with students/student facilities
- Concerned that intended occupier did not come to light until late in the process
- Any member of the community could book a class with Bodywork

7.11 At the time of writing, an additional consultation period is ongoing. This relates to additional information submitted by the applicant. A technical statement relating to the Transport Statement has been submitted to address comments by the County Council Transport Assessment Team. Any representations received relating to this item will be reported on the amendment sheet.

7.12 The representations in support can be summarised as follows:

- The redevelopment will provide refurbished studio spaces which will be available to rent for little cost
- People and small enterprises of Cambridge need these types of community spaces
- Will greatly benefit the community by provision of more rooms to rent
- Many people oppose the scheme without fully considering the benefits that it will provide to other local residents.
- In line with all of the relevant local plan policies
- Hope it would result in an increase to lighting in park

7.13 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 heritage assets)
3. Disabled access
4. Protected open space
5. Residential amenity
6. Highway safety and transport impact
7. Cycle parking
8. Third party representations

Principle of Development

Introduction

8.2 The site has a complicated planning history that requires assessment against the current proposal. In particular, the 2014 application - while granting a D1 dance school/studio use – does not restrict subsequent D1 users of any kind from occupying the building in the future. Neither does it secure on-

going community access to the building via a S106 agreement or via condition. The 2014 application is capable of lawful implementation but, at the time of writing this report, has not been lawfully implemented. Conversely, the operative 1997 consent for the site, from which this application seeks a change of use, does secure community access to the building via a S106, but the level of community access realised through that consent has been limited in practice and the building is not presently occupied or utilised for community use at all.

- 8.3 The key policy that requires consideration is 5/11. This relates to the protection of existing community facilities. It states:

‘Development leading to the loss of community facilities will only be permitted if it can be demonstrated:

a) The facility can be replaced to at least its existing level and quality within the new development; ...’

- 8.4 This part of the assessment takes Planning Committee through the planning issues that arise as judged against policy 5/11. It starts with issues surrounding the D1 use class. The history of the use of the building is then considered in detail in relation to the 1997 application, which is followed by an assessment of the 2014 application, its current status and how this should be taken into account. The proposed Community Access Agreement (CAA) as part of this application is then considered. Planning Committee will note that the CAA is a draft document and further revisions to it will be reported on the amendment sheet. Lastly, in terms of principle, the planning balance is assessed.

- 8.5 In summary, the key issue for the Planning Committee to determine is whether the proposed use of the building, with a suitable Community Access Agreement, can adequately safeguard continued community use in compliance with adopted policy 5/11 and the provisions of paragraph 70 of the NPPF (2012).

Use Class

- 8.6 In order to approach the issue of use, the first consideration is the proposed use class and not the intended occupier. This application seeks planning permission for a D1 general education use.

8.7 If an unconditional permission for the sought use was issued, a wide variety of future uses of the premises under the D1 use class category could be undertaken without the need for planning permission. The D1 use class category is broad and the uses of the building under the 1987 Use Classes Order could include: for medical or health services; creche, day nursery or day centres; use for display of works of art; a museum; a public library or a public reading room; a public hall or exhibition hall; a place of public worship or instruction; or as a law court.

8.8 The wide number of uses allowed under the D1 use class category is not assessed as part of the applicant's submission. This is because the applicants are agreeable that any permission for D1 general educational use could be subject to the following condition:

'The premises shall not be used as a dedicated language school or any other non-educational use falling within Use Class D1 of the Use Classes Order 1987 without the express approval of the Local Planning Authority.'

Reason: To ensure compliance with policy 7/11 of Cambridge Local Plan (2006) and because other D1 uses of the building have not been assessed as part of this application.'

8.9 This forms proposed condition 7, as it deals with the provisions of policy 7/11 in terms of restricting additional language school establishment and limits use within the D1 class to education as other non-educational D1 users could have very different impacts associated with them.

8.10 Adopted policy 5/11 distinguishes between certain types of D1 educational uses as protected community facilities. Specifically, university teaching accommodation, language schools and tutorial colleges are excluded as being protected under 5/11. By implication they are not community facility uses. These three uses mainly serve transient student population profiles and do not cater for a primarily local market.

8.11 The applicants have indicated that Cambridge School of Visual and Performing Arts (CSVPA) is likely to be the intended occupier of the building. CSVPA offers a number of university

accredited courses and as such could be partly classed as providing university teaching accommodation. CSVPA are part of the Cambridge Education Group (CEG) to which CATS Cambridge - a tutorial college – are also part. CSVPA does offer English language courses albeit its primary educational offer is not language tuition but for courses in the visual and performing arts. The current CSVPA educational programme could not be said to cater primarily for a local market in any meaningful sense. Policy 5/11 is framed to protect identified community facility uses, particularly when considering land value and my view is that CSVPA as it currently operates does not meet the criteria warranting protection.

- 8.12 It may be the case that CSVPA intend to occupy the Howard Mallet as a dance school either solely or in connection with Bodywork or another dance school, but permission is not being sought for a dance school use and members should be mindful that a personal permission is not being sought. In my view, it would not be reasonable or enforceable to restrict by condition occupation of the building to CSVPA only or to limit the courses/tuition that could be provided there given that a general educational consent is being sought. The applicants are not seeking a restriction of D1 use any further than its educational aspect with a prohibition on language school use. This opens up a myriad of possible educational uses of the building, beyond CSVPA, and on this basis, my view is that without an appropriate safeguarding of continuing community access to the building secured through a S106, the principle of the proposed change of use is not acceptable as it could result in the complete loss of a community facility contrary to the provisions of policy 5/11.

History of Community Use and the 1997 Application Provisions

- 8.13 There is a substantial amount of third party correspondence regarding the development and use of the site, including the fact that the building originally stood on common land. The Howard Mallet was originally developed as a Youth Centre in 1968. It was transferred from the City Council to the County Council in 1974. There has been subsequent multiple transfer of leases/ownership, including to the applicants (Chard Robinson) in 2015. Neither the identity of the applicants or the owners are material planning considerations. The intended occupant's

desire to commercially operate a business from the site does not amount to a reason for refusal.

- 8.14 The key planning history to the current application is the 1997 application (granted in December 1998) for Dawe Media for a broadcasting studio, cafe-bar and multi-media education centre, and community facility. The officer report to the 1997 application notes that prior use of the building had included for rehearsal and performance of drama and music but that the use of the building had declined and was under-utilised, accommodating a limited number of art and theatre groups. The County Council had also indicated that its use solely as a youth centre was not viable and that bookings had declined.
- 8.15 The 1997 permission allowed for the following uses within the building: a commercial radio and television centre in the northern section (217sqm) with some employees tasked with both commercial and community roles; a media centre and educational area - provided with professional audio and visual equipment for the community - in the southern section; a performance café/bar – providing predominantly food and drink and being available for professional and amateur groups - in the western (Sturton Street) section; and a hall in the eastern (York Street) section to be shared for commercial and community use. The intention was for the facility to be used for both commercial and community purposes, with sole commercial use designated to the northern section studio.
- 8.16 The disparate nature of the combined uses meant that the permission was deemed to be sui-generis and as such it does not benefit from any broader use class entitlement to change to other uses as a general D1 use would. As such, planning permission is required for any change of use of the building for as long as the 1997 is considered the operative consent, which it is currently.
- 8.17 It is clear from the representations and from previous officer reports that despite best intentions, the permitted use may have resulted in limited community access for the prescribed purposes, such as from Parkside Community College. Indeed the case officer, in his 2006 report regarding the City Life application, stated:

'Following a number of changes in the use of the Howard Mallett building, the extent of community or leisure use of the building in recent years has been very limited; the building is not well suited to such uses in the modern era, and suffers particularly from a number of inconvenient and restricting changes of level. If the building can be regarded as a community facility or a leisure facility at all, it is of poor quality in both respects.'

A variety of different uses of the building have also taken place since the permission for the 1997 application was granted, including as a Chinese community centre, a gym/boxing club, charities and for social enterprise use. These uses have not necessarily aligned with the consented use of the building and little material reliance can be made of them.

8.18 The 1997 permission was subject to a S106 agreement which secured a variety of community access related provisions to the various spaces described including:

- Funding of a youth worker to work with the 11+ age group in the south of the City with a liaison focus for the site.
- Funding of a media facilitator/trainer through Dawe Media.
- The day-to-day management of the community access to the building was to be administered through Parkside Community College.
- Establishment of a user group.
- A contribution towards consultation on changes to the residents' parking scheme.

Community Provision Under the 2014 Application

8.19 The permission for the 2014 application is for a dance school/studio use. The intended occupiers were Bodywork, a local dance school. The officer report for the 2014 application states at paragraphs 2.4 to 2.5 that:

8.20 *'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.

- 8.21 *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.'*
- 8.22 Use of the building by Bodywork was considered to be a community facility as judged against policy 5/11. The 2014 application has not, at the time of writing this report, been lawfully implemented. Various operational works have been carried out to the building, some of which have been in breach of pre-commencement conditions and some works to which are a deviation to the approved plans. Retrospective discharge for a number of conditions has been granted, though condition 12 (Travel Plan) remains outstanding and forms part of separate report to this Planning Committee. There is also a live S73 application (16/1272/S73) to vary and regularise the approved plans in respect of bin storage, plant and cycle parking and the internal layout to align with the completed building operations. The consideration of 16/1272/S73 is confined to the conditions sought to be amended and whether the specific amendments are acceptable. It is also reported to Planning Committee.
- 8.23 Officers consider that the 2014 application can be lawfully implemented (see paragraph 8.22 of report 14/1252/COND12A also on this agenda). The permission is extant and is a material consideration. If condition 12 for 14/1252/FUL is discharged and the use as a dance school/studio is established, it would be possible for any subsequent D1 user to operate from the site without planning permission under the terms of the Use Classes Order 1987 and without any community access. This is a strong fall-back position for the applicants if this application is refused and could, for example, include CSVPA or any other educational provider or D1 user. This is because the existing planning permission is not conditioned as either being personal to Bodywork or restrictive as to the nature of any future D1 use of the building. D1 uses are broad and are set out under paragraph 8.8 above. Neither does the S106 to the 2014

application secure community access. The same logic is true of 16/1272/S73 if approved, subject to condition discharge, as the description of development is the same.

- 8.24 Officers have taken legal advice on these matters following the receipt of leading Counsel's advice from Simon Bird QC on behalf of the applicants. This includes that condition 12 of the 2014 application (Travel Plan) does not amount to a personal permission for Bodywork but rather the permitted use as a dance school/studio.

Proposed Community Access

- 8.25 The applicant has agreed to enter into a legal agreement to ensure that community access to the building is safeguarded through a Community Access Agreement (CAA). This has the potential to safeguard community use and ensure compliance with policy 5/11.
- 8.26 One method to address community use is to compare the amount of space that was safeguarded under the 1997 application to that proposed. The section 106 agreement to the 1997 application details that a total of 217sqm of the building was solely for commercial use, with the remaining 710sqm (excluding circulation and storage spaces) available for community use, of which the hall (293sqm) was to be shared with the media operation. The section 106 agreement details that the multi-media editing suite and performance area were not to be used outside the hours of 07.00 and 23.00 whilst the café/bar was not to be used outside of the hours of 09.00 and 23.00.
- 8.27 The application and associated draft community access clause currently proposes 468sqm of space which would be accessible to the public. This would comprise 4 finished studios (4, 5, 8 and 9) which would be available from 18:00 to 22:00 Mondays to Fridays and 09:00 to 17:00 during weekends and for performances only between 18:00 to 22:00 during weekends, excluding bank holidays. The studio spaces are all new and equipped for dance. Studios 4, 5, 8 and 9 all have sprung floors and are suitable for dance and performance uses in particular rather than as for general purpose community meeting rooms. Studios 4 and 5 can be combined and have a folding wall between them. Studio five is the largest of the studios, is double

height and approximately 100sqm in size. Combined with studio 4, this dance space available for community use would amount to 170sqm and could be described as the core dance space within the building. On this basis, hours of wider community access to the building do not appear out of alignment with that theoretically proposed for Bodywork but are, of course, for a more limited time period compared to the permission for the 1997 application.

8.28 Officers have raised the following concerns with the detailed drafting of the current CAA:

- The management of bookings.
- Explicit allowance for use only for three named community dance/theatre groups with no clarity of how additional community groups may access the building and for use of the spaces by no more than three groups at any one time.
- Clarity regarding the cost price for the use of the facilities and deposit amount.
- Terms relating to revocation or cancellation of bookings or limitations regarding future bookings by community groups in breach of the terms of use.
- The drafting provisions of a low demand notice and its implications.
- Terms of payment over extended bookings.
- Practical arrangements for identification and entry into the building by community groups.

8.29 These concerns are partly reflected in third party representations, including from PACT.

8.30 The amount of space offered is clearly less than potentially available under the 1997 application with more limited hours of use, albeit that the space is new and equipped to a high standard. The type of potential community use of the building and its spaces is different to before but this of itself is not a reason to resist a community access offer given the permission for the 2014 application and likely community access provisions that would have resulted from Bodywork's occupation. CSVPA has indicated that there is interest from Elevation Dance, Cambridge Theatre Company and Theatre Train to use the dance studio spaces.

- 8.31 In my view, the principle of a CAA is acceptable and should be welcomed. It will be required to be subject to a number of amendments to secure an acceptable level of community access to the building and further iterations of this document are expected and will be reported to the Planning Committee on the amendment sheet. Community access would be secured through legal agreement as opposed to there being no legal binding community access under the previous consent (14/1252/FUL).
- 8.32 As part of this recommendation, officers would have delegated authority to agree the final version of the CAA. As part of on-going negotiations with the applicants, officers have been taking advice on its structure from the Council's solicitor, officers in Community Services and from third party representations. If Planning Committee wish to retain oversight and approve the final CAA, they should clearly indicate this as part of an amendment to the recommendation.

Planning Balance

- 8.33 The building is currently vacant and is neither being used as a business for economic benefit or for community use for community benefit. Despite the safeguards put in place by the 1997 application, the aspirations for its permitted purposes have not been realised. The extant permission resulting from the 2014 application does not secure on-going community access to the building and could be lawfully implemented and in time could allow for a wide range of D1 users to operate from the site. There is considerable correspondence on file regarding the previous intended occupiers - Bodywork - the now intended occupiers - CSVPA – and possible combinations of either, or combinations of other dance or theatre groups with CSVPA. Who occupies the building is not a material planning consideration, provided the occupation accords with the permitted use(s). The Committee should be concerned with land use planning matters and not be concerned with commercial decisions relating to property as these are not planning considerations.
- 8.34 The basic premise of policy 5/11 is to safeguard existing community facilities. It is a matter of judgement as to whether a revised CAA would provide for compliance with this policy and clearly it needs to be assessed against the level and quality of

provision. The amount of community space is smaller than before but the quality of it could be argued to be greater. These factors have to be weighed against no current community use of the building and limited former community use of the building and the strong fall-back position available under the 2014 application. In the round and subject to suitable revisions to the CAA and appropriate conditions, my view is that the principle of development is acceptable.

Context of site, design and external spaces (and impact on heritage assets)

- 8.35 The proposed alterations to the building are similar to those permitted under 14/1252/FUL. One of the windows on the east elevation, above the door, has been extended from a high level to full length window. The ground level has also been reduced on this elevation and steps have been removed as a result. A door on the east elevation is proposed to be reduced in width. A further window on the west elevation is to be removed. Additional stairs are proposed on the west elevation. All of the above are minor alterations to the previously approved scheme and not visually significant. As a result, these elements are considered acceptable in terms of design.
- 8.36 The location of the proposed plant has been amended since submission. Originally the proposed plant was to be located on the eastern elevation side wall. This was also the case in the previously approved scheme (14/1252/FUL). The plant is now to be located on the roof. All of the exposed plant is to be painted black.
- 8.37 The proposal also includes an increase to the height of part of the roof of the building to accommodate the mezzanine level. This was permitted under 14/1252/FUL and is considered acceptable in terms of design. The impact of the scheme on the surrounding area, including the character and appearance of the Conservation Area is in my view acceptable. The proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 4/11.

Disabled Access

- 8.38 The Access Officer originally noted that, from his former knowledge of the layout of the building, that amendments to it

would be needed to make it more accessible. The comments were made prior to the submission of floor plans and these have since been discussed with the Access Officer and he has updated his response. He is now satisfied with the external access arrangements and the internal provision of a lift suitable for wheelchair use. An accessible WC and shower room is provided on the ground floor and an informative is suggested in respect of the detailed design of the seating arrangement.

Protected Open Space

- 8.39 Many of the representations make reference to an area of Protected Open Space (POS) which runs along the eastern side of the site linking in from St Matthew's Piece (also POS). This space is partially covered by tarmac and has been concealed with hoarding by the developer while works to the building have been taking place. Local residents request that the tarmac is removed and that the community have access to this space. Condition 15 of C/97/1020, the operative permission on the site, states that the open space within the site to the east of the building shall be freely accessible to members of the public at all times. Whilst no such condition was imposed on the previous consent (14/1252/FUL), in my view this omission was made in error and did not take account of the importance of the space in relation to the original development of the Howard Mallet. As a result, I recommend condition 8 is imposed to ensure that this strip of Protected Open Space is freely accessible to members of the public for their continuing enjoyment as originally envisaged and that the current hoarding is removed.
- 8.40 Third party representations also request that the tarmacked area within the protected open space is returned to grass. This area has been tarmacked and used for car parking for a substantial period of time and was noted as being used for these purposes in the officer report to 06/0567/FUL. Officers do not disagree that it is desirable for the tarmac to be returned to grass given that it is protected open space. However, this is the current situation and it is beyond the reasonable scope of this application to rectify.
- 8.41 There are also various references to a 'disputed' strip of land to the south of the building adjoining the Piece. Matters of ownership of this land – which I understand have been resolved

– and covenants over it, are civil matters and not for the local planning authority.

- 8.42 The proposal itself does not lead to the loss of any protected open space as the majority of the works are within the envelope of the building. A small tarmacked pathway over it has been installed and consent is sought for this, but this does not impact on its openness or overall quality. As part of the development of sites, it is not uncommon for hoarding and other structures for temporary periods to be erected. General permission, under the permitted development regulations, is granted for hoardings and other structures under part 4 of the GPDO 2015. Given that operational works to the building are substantially complete, officers have asked for the hoarding to now be removed. This issue could be pursued separately under enforcement provisions if necessary but forms part of proposed condition 8.
- 8.43 I do not have any substantial concerns with the possible abuse of St Matthew's Piece as a result of the use of the building and the number of students likely to be attending courses there. It would not be reasonable to exclude the student use of the park given that it is a public space and the building is located in a part of the City already popular with students. The building is likely to have an on-site management team and any subsequent issues could be taken up directly with the operator.
- 8.44 Condition 8 is recommended to ensure the public have continued access to the Protected Open Space to the east of the building and within the site. As a result, the proposal accords with policy 4/2 of the Cambridge Local Plan (2006).

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.45 Concerns have been raised in terms of noise disturbance from the proposed use. The Environmental Health Officer considers the proposal to be acceptable subject to a number of conditions. These conditions seek to control construction hours, ensure windows and doors are closed during performances, control hours of use and seek details of noise limitation devices (see proposed conditions 3, 4, 5 and 6.)

- 8.46 A number of third party concerns relate to a fear that the majority of the students will be foreign and the impacts of this and that students will congregate in large groups outside the site and be anti-social. The nationality of potential students is not a planning issue. It is not uncommon for students to gather in groups at educational establishments and this is not necessarily harmful. My view is that if such groupings become problematic i.e. pathways are blocked or the behavior of the students is unacceptable, there would be recourse through the management structure of the school to resolve the issue(s).
- 8.47 Concerns have been raised regarding the increase in traffic to the area that would result and the impact this would have on the amenity of local residents. The applicants have indicated that students of the intended occupier – CSVPA – would not be allowed access to the site by car. Access would be controlled via a FOB barrier system and so abuse of this is unlikely. Given the very central location of the site and the fact that many students attending the building are likely to live locally and will walk or cycle, I do not foresee an issue of parking demand within the surrounding non-CPZ streets being exacerbated. Free, on-road car parking spaces are already in high demand and there would not necessarily be a substantial need or demand from students for their use. It is realistic that there would be some taxi or private car drop-off to the site in combination with the main general education use and also wider community use. Community groups would be eligible to use the car park, which has been limited to 17 car parking spaces (of an overall 39 spaces), the barrier to which would be open from after core hours (from 6pm) and closed overnight. The limitation on car parking is an indication that sustainable modes of travel to the building are being promoted and that vehicular impact in terms of amenity, compared to a pre-existing combined commercial/community consented use with 39 spaces, is unlikely to be materially worse.
- 8.48 Whilst any planning permission would not be personal, it would be consistent with how the Local Planning Authority deals with educational uses, to limit student access to the site by car in accordance with its car parking standards, except if required for mobility purposes. I recommend condition 10 accordingly.
- 8.49 In the round, my view is that it is far better for the building to be actively occupied and used and to deal with the amenity

impacts arising from this rather than for it to sit empty and be under-utilised. Subject to the above conditions as suggested by Environmental Health and in relation to car parking, the proposed use would not have an adverse impact on the amenity of nearby residents and is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 4/13.

Highway Safety and Transport Impact

8.50 The applicant has submitted a Transport Assessment (TA) with the application. The County Council Transport Officer has considered the TA and has requested a number of amendments, clarification and further information in relation to it. Their fourth consultation response summarises that they have removed their holding objection.

8.51 I am aware that numerous third party objections have been received in relation to the transportation information and the County Council Transport Officer responsible for providing the advice on this application has received third party representations in this respect. I have also verbally briefed the officer(s) on the related issues and those associated with the submission of the Travel Plan regarding condition 12 of 14/1252/FUL for completeness. The County Council's advice has therefore taken these representations into consideration. They are satisfied that:

-The trip generation for the development is unlikely to exacerbate existing accident issues.

-The staff car mode share for the D1 general education use is acceptable.

-The overall trip generation is shown to result in 450 additional student trips throughout the day and *if* CSVPA be the operator that the trips are expected to be by sustainable modes.

-The expected use of the site during evenings and weekends is comparable to what was assessed under 14/1252/FUL.

-The general D1 use, using TRICS data to identify the trip generation, is acceptable.

-The modal split information is acceptable.

8.52 I note that the Travel Plan and Car Park Management Plans submitted by the applicant relate to the discharge of conditions 11 and 12 of 14/1252/FUL for a dance school/studio use. These submissions have been subject to initial refusal of discharge by the Local Planning Authority and have been subject to amendment and re-submission against 14/1252/FUL. Condition 11 is now discharged and can be reasonably transposed as an approved document under proposed condition 11 as the management of the car park itself would not alter with the differing use. Condition 12 is outstanding. The Travel Plan for the wider general education use does need to be relevant to the nature of the permission sought. I recommend condition 9, in line with County Council advice and comments regarding its specification, to secure the submission of a Travel Plan. In the case of the Travel Plan, as is common with their use, it would be subject to a post-occupation survey to establish an accurate base-line from which travel targets could be set. Condition 10 is recommended in line with the County advice to limit the car park to a maximum of 17 car parking spaces only. Lastly, the County Council indicates that a mitigation package will be required as part of a S106 agreement or via condition. I note from the previous approval on this site that Eastern Corridor Area Transport Contributions were agreed to a value of around £30,000. Nothing specific is suggested by the County Council at this stage and I will report any further progress on this issue, together with an assessment of CIL compliance, on the amendment sheet.

8.53 In accordance with the advice that I have received from the County Council Transport Team and in respect of highway safety, taking into the account the third party representations, my opinion is that the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Cycle Parking

8.54 The Council's Walking and Cycling Officer considered the original proposal to be unacceptable and requested amendments and further information. The proposal now includes 118 cycle parking spaces. These plans match those which have been approved to discharge condition 3 of 14/1252/FUL and are hence secured under recommended compliance condition 11. Whilst the Walking and Cycling Officer

has not formally commented on the amended plans submitted as part of this application, I am satisfied that as the proposed plans match the approved plans on 14/1252/FUL, that this arrangement would be acceptable and in accordance with the adopted standard. I will report any further comments from the Walking and Cycling Officer on the amendment sheet or orally at the meeting.

- 8.55 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.56 The third party representations, reports from 6 Edward Street and letters from PACT are summarised and addressed in appendices 1 and 2. The main issues are dealt with in the main body of the report above.

9.0 CONCLUSION

- 9.1 Commercial decisions regarding the eventual occupier of the building are not material to the determination of planning applications and neither is land ownership. Many of the issues raised by third parties refer to the dis-benefits of CSVPA compared to the benefits of Bodywork as occupiers and what each could or could not offer to the wider community. The applicants are keen to point out the benefits of CSVPA as a future occupier and what they could provide in terms of an enhancement of dance provision at the site with its existing visual and performing arts offering either on a standalone basis or in collaboration with other users. Whilst interesting, the issue of the identity of the future occupier(s) is not relevant to the terms of the permission being sought, which is for a general D1 educational use as framed by proposed condition 7.
- 9.2 The community does not currently have access to the building. Whilst the 1997 application provides for this, the aspirations for its community use in combination with the commercial arm of Dawe Media do not appear to have been realised. It is not unreasonable to expect the current applicant should seek to make commercial use of the property but this needs to be balanced against the safeguard of a Community Access Agreement attached to a S106 to ensure compliance with policy 5/11.

9.3 The planning permission for the 2014 application does not safeguard continuing community access to the building, is extant, capable of lawful implementation and a material consideration. This is a strong fall-back position for the applicants.

9.4 Officers recommend approval of this proposal, subject to conditions and subject to an appropriate Community Access Agreement secured through a S106.

10.0 RECOMMENDATION

APPROVE subject to the prior completion of a S106 Agreement and 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 construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 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)

4. Prior to the commencement of the use details of noise limiting devices specifications (to be fitted within the studios so that all amplified music is channelled through the devices) shall be submitted to and approved in writing by the Local Planning Authority. The maximum noise levels will be set by agreement with the Local Planning Authority and will be reviewed from time to time as appropriate. The noise limiting device shall be installed in accordance with the agreed details and shall be 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 Local Planning Authority.

Reason: To protect the amenity of the surrounding occupiers in accordance with policy 4/13 of the Cambridge Local Plan (2006)

5. The premises shall only be used for performance and dance classes and/or any activity covered by D1 (general education use) use between the hours of 08.00 and 22.00 Monday to Saturday and between 10.00 and 21.00 on Sundays and Public/Bank Holidays.

Reason: To protect the amenity of the surrounding occupiers in accordance with policy 4/13 of the Cambridge Local Plan (2006)

6. During all performances and practice sessions associated with the approved D1 uses, all doors and windows must be kept closed to contain noise.

Reason: To protect the amenity of the surrounding occupiers in accordance with policy 4/13 of the Cambridge Local Plan (2006)

7. The premises shall not be used as a dedicated language school or any other non-educational use falling within Use Class D1 of the Use Classes Order 1987 without the express planning approval of the Local Planning Authority.

Reason: To ensure compliance with policy 7/11 of Cambridge Local Plan (2006) and because other D1 uses of the building have not been assessed as part of this application.

8. The Protected Open Space within the site to the east of the building shall be available and freely accessible to members of the public and within 1 month from first occupation, all hoardings around the site shall be removed.

Reason: To ensure continuing access to the Protected Open Space in accordance with policy 4/2 of the Cambridge Local Plan (2006)

9. Prior to the commencement of the use hereby permitted a Travel Plan for the D1 use (general education) shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be focused on encouraging sustainable modes of transport for its students, staff and visitors, shall monitor day, evening and weekend use of the facility and monitor cycle parking use and secure increases to this provision if deemed necessary. It shall include specific measures to encourage evening and weekend sustainable travel to the site and monitor student use of motor vehicles travelling to the site and parking in nearby streets and if this is shown to occur to introduce measures to prevent or reduce car usage by students. If the occupier to which the approved Travel Plan changes, within three months of the change in occupation, a revised Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.

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).

10. Access to the car park shall be to a maximum of 17 car parking spaces only and no access shall be granted for students of the main educational occupant to park a vehicle within the car park unless there is special dispensation to do so as set out in the approved car parking management plan associated with condition 8, for example because of mobility issues and the need for vehicular access.

Reason: To comply with the aims and objectives of the Travel Plan to reduce car dependency and to ensure compliance with the adopted car parking standards as part of appendix C to the Cambridge Local Plan (2006).

11. Cycle parking, plant noise insulation, waste provision and the management of parking within the site shall be provided and managed in accordance with the details as approved under conditions 3, 6, 10 and 11 of 14/1252/FUL prior to the occupation of the building and shall be retained and managed for use as such thereafter.

Reason: To ensure satisfactory provision of cycle parking, waste and the management of car parking (Cambridge Local Plan 2006, policies 3/4, 8/2, 8.6 and 8/10).

12. Within one month of this permission, the rooftop plant shall be painted black (RAL 9005).

Reason: To ensure that the appearance of the external finish of the plant blends into the building and does not appear visually obtrusive with the Conservation Area . (Cambridge Local Plan 2006 policies 3/4, 3/12, 3/14 and 4/11).

INFORMATIVE: This planning permission should be read in conjunction with the associated deed of planning obligation prepared under s.106 of the Town and Country Planning Act 1990 (as amended). The applicant is reminded that under the terms of the s106 Agreement you are required to notify the City Council of the date of commencement of development.

INFORMATIVE: The applicant's attention is drawn to the comments of the Council's Access Officer and his recommendation that the disabled changing room has an adjustable height bench instead of a chair.

Appendix 1

- A.1 The below tables contain the representations made in objection to the application. The representations are presented on the left hand side of the table with a response to the right. The first table contains comments from the first and second consultations. The second table contains representations from the third and fourth consultations. A fifth consultation period is on-going at the time of writing. Any additional comments will be reported on and addressed in the amendment sheet.

Objection	Response
<i>Community/D1 use</i>	
D1 use leaves the site open to a wide range of uses	A condition is recommended to ensure the site is only used for uses falling within a D1 (general education) use, excluding language school use.
Concerned D1 use will lead to appropriation by Anglia Ruskin University (ARU).	ARU could occupy the site under a general education use. Any future use would need to maintain community access to the building in line with the agreed S106 provisions
The site needs to maintain a community use	See paragraphs 8.2-8.34
A language school would contravene the local plan	See paragraph 8.8-8.9
CSVPA would not be an eligible occupier/ would offer nothing to local community	See paragraphs 8.11-8.12
Only vague commitment to community access.	See paragraphs 8.25-8.32
Does not accord with policy	See paragraphs 8.2-8.34

<p>5/11</p> <p>CSVPA is not a language school but its sister company CATS is.</p> <p>CSVPA could be considered university teaching accommodation</p> <p>CEG does not cater for a primarily local market</p> <p>The previous application was not specific to Bodywork but the local plan differentiates on the basis of activity undertaken rather than who benefits.</p> <p>Bodywork is locally run</p> <p>Cost of community access is a key problem</p> <p>No detail of CSVPA's community outreach programme</p>	<p>See paragraphs 8.11-8.12. Any permission would not be personal to either school.</p> <p>See paragraph 8.11-8.12, this is accepted as per their current operation.</p> <p>See paragraph 8.11-8.12. Many of CSVPA and CAT students under CEG are foreign students</p> <p>See paragraphs 8.19-8.24. The issue is one of use and its appropriateness.</p> <p>Noted</p> <p>I share this view. Facilities are to be provided at cost. Details of which will be dealt with through the section 106 agreement and regularly reviewed.</p> <p>Three companies, Elevation Dance, Cambridge Theatre Company and Theatre Train have been identified as potential users of the studio space after core CSVPA hours. Wider community access to the building, subject to it being suitable for the dance studio space provided,</p>
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<p>Not acceptable to exclude community access at any period when the school is closed; it must be available on an all-year around basis</p>	<p>has been raised as an issue and is sought by officers through a revised community access agreement to be secured through legal agreement.</p> <p>The draft community access agreement does not exclude use outside of term times. I consider that this is an acceptable approach</p>
<p>Concerned about wording of suggested language school condition</p>	<p>Noted but the condition is enforceable</p>
<p>Agree that community access is good value but the primary issue is the protection of the community facility use of the entire site at all times</p>	<p>See paragraphs 8.25-8.32</p>
<p>No guarantee of community access</p>	<p>See paragraphs 8.25-8.32</p>
<p>Site has always had a community focused use</p>	<p>I have noted the historic community use of the site.</p>
<p>Need for more community facilities in the area</p>	<p>I note from the representations that there is a shortage of community facilities in the area</p>
<p>Methodist Church Hall recently closed nearby</p>	<p>See above</p>
<p>Will result in a loss of a community facility</p>	<p>See paragraphs 8.25-8.32</p>

<p>Bodywork caters for members of the community/anyone can book a class</p>	<p>I note that this is the case. Bodywork were considered to meet with policy 5/11. CSVPA are not currently considered to meet with these criteria, however, community access is to be secured via legal agreement and the applicants have a strong fall-back position.</p>
<p>Land seen as a commercial opportunity rather than a community facility</p>	<p>See paragraphs 8.33-8.34 and 9.1-9.4. It has been used commercially and for community use in the past.</p>
<p>Request legally binding statement from the developer to reassure of long term plans</p>	<p>The planning permission would secure the legal use of the building and this does not need to be completely inflexible. Further plans would be subject to further applications for planning permission.</p>
<p>No justification for loss of community facility</p>	<p>See paragraphs 8.2-8.34</p>
<p>Lots of new housing in the area (most densely populated part of Cambridge) but lack of community facilities for growing population</p>	<p>Note that Petersfield is a densely populated ward which has a need for community facilities</p>
<p>Big difference between a dance studio catering for dedicated students and a general education use</p>	<p>There is a material difference however the fall-back position is also a material consideration. See paragraph 8.2-8.34.</p>
<p>Bodywork offered a community coffee shop</p>	<p>The community coffee shop shown on the previously approved plans and on the original floor plans submitted</p>

<p>Neither proposals cater for local need</p>	<p>with this application showed a room marked 'community coffee shop back up facilities'. Having discussed this with the applicant it became clear that the intention was not to provide a community coffee shop under the current application (15/2372/FUL) or previous application (14/1252/FUL). The intention was to provide this coffee shop under a future application. As a result this has been removed from the proposed plans. There would still be a coffee bar/break-out space on entrance to the building available for the wider community.</p> <p>See paragraphs 8.11-8.12</p>
<p><i>Amenity</i></p>	
<p>Will overshadow the public open space</p> <p>Disturbance from noise and light</p> <p>Concerned that site will be used for afterhours entertainment venue</p>	<p>The proposed increase to the height of the building is marginal and equal to that approved under permission 14/1252/FUL. In my view this will not harmfully overshadow St Mathew's Piece.</p> <p>See paragraphs 8.45-8.49 in terms of noise impact. The Environmental Health Officer has not raised an issue in terms of light.</p> <p>The site could not be used as an afterhours entertainment venue under a D1 use</p>

<p>Loss of privacy from windows</p> <p>Increased traffic in the area over the years has resulted in a loss of quality of life</p>	<p>The window situation is similar to that approved under the previous consent. Many of the windows are smoked. There is also a significant separation distance between the building and the adjacent residential properties. As a result I do not consider there to be any inter-looking issues.</p> <p>See paragraphs 8.45-8.49</p>
<p><i>Design/conservation area</i></p>	
<p>Detrimental to the character of the conservation area</p> <p>Design is not in keeping</p> <p>Recent building work is unattractive</p> <p>Accept the student/residential use for the site having seen the architects plans</p>	<p>The changes to the external envelope of the building are minor. The Conservation officer considers there to be no material conservation issue.</p> <p>See above.</p> <p>See above</p> <p>This does not form part of the current application.</p>
<p><i>Public open space</i></p>	
<p>Concerned that public open space will be used for car parking</p> <p>Request that the open space is available to the public at all times and fences are removed</p> <p>Request that open space protection is extended as part of this application and</p>	<p>See paragraph 8.39-8.44</p> <p>See paragraph 8.39-8.44</p> <p>See paragraph 8.39-8.44</p>

<p>tarmac/parking removed from public open space</p> <p>A park is not an appropriate location for a sixth form college</p> <p>Original application for youth club was granted as it was complimentary to the public open space use.</p> <p>Will result in a loss of public open space</p> <p>In the past the whole are bounded by New Street, York Street, Abby Walk and Sturton Street was open to the public.</p> <p>CSVPA use will put additional pressure on St Mathew's Piece</p> <p>Students will not show as much care to St Mathew's Piece as locals</p>	<p>See paragraphs 8.39-8.44</p> <p>The use of the site has changed over the years since it was a youth club but I do not necessarily see how the proposed use would differ significantly in its relationship to the open space than before in planning terms.</p> <p>See paragraphs 8.39-8.44</p> <p>History noted.</p> <p>In my view the D1 (general education) use would not result in any significant further pressure on the park in comparison with the previously permitted D1 (dance school/studio) use.</p> <p>See paragraph 8.45-8.49</p>
<p><i>Highway safety</i></p>	
<p>Concerned about highway safety</p> <p>Travel plan does not match intended occupier</p> <p>CATS building on Occupation Road has heavy traffic from</p>	<p>See paragraphs 8.50-8.53</p> <p>See condition 9</p> <p>Noted, a post occupation survey would be carried out to</p>

<p>taxis</p> <p>The cycle parking is unacceptable</p>	<p>inform the Travel Plan.</p> <p>See paragraph 8.54-8.55</p>
<p><i>Other</i></p>	
<p>Bodywork would be an asset to the area</p> <p>Concerned about consultation</p> <p>Bodywork are not in talks with CSVPA</p> <p>Intended occupier did not emerge until after the initial consultation period</p> <p>Area already overcrowded with students</p> <p>Concerned about signage</p> <p>Concerned about signatories of planning application</p>	<p>The 2014 permission is not personal to Bodywork.</p> <p>As per my previous comments, I note that there were concerns regarding consultation however the adjacent occupiers were notified of the application when it was submitted. A site notice was also erected.</p> <p>Neither permission is or would be personal to either school.</p> <p>This is not a material planning consideration</p> <p>Noted, the area is a mix of students and residents. Members have to consider the proposal for this site</p> <p>It is likely that any signage would require advert consent, but this depends on its size and illumination and would separate consent.</p> <p>I have no concerns regarding the signatories</p>

<p>Petersfield area has become dominated by student facilities and accommodation</p>	<p>I note that there are a number of educational institutes located within Petersfield but do not consider the proliferation of student uses to be harmful enough to warrant a refusal of the current proposal.</p>
<p>No consultation between local residents and the developer</p>	<p>Noted, but the developers would dispute this.</p>
<p>Local residents/businesses should not be denied access to building in favour of a company with no local connection</p>	<p>Some community access to the building will be maintained through legal agreement</p>
<p>The process used by the developer suggest a desire to mislead the public</p>	<p>This is not a material planning consideration</p>
<p>Should be donated to the local community</p>	<p>This goes beyond the remit of the planning application</p>
<p>Lack of information</p>	<p>Further information has been supplied to meet with the request of officers</p>
<p>Concerned about use for student accommodation</p>	<p>This does not form part of the current application</p>
<p>Should be returned to parkland</p>	<p>This goes beyond the remit of the planning application</p>
<p>Area already overcrowded</p>	<p>I note the high density population and number of educational institutes in the area but do not believe these to be reasons for refusal</p>
<p>Chisholm Trail will also result in an increase to number of cyclists in area</p>	<p>Noted but not a significant factor</p>

Objection	Response
Community/D1 use	
Object to use of the site as university teaching accommodation/tutorial college/language school	See paragraphs 8.11-8.12
CSVPA does not offer any kind of dance course	This application is for a change of use to D1(general education). As a result whether or not CSVPA offers dance courses is not relevant as a main consideration of land use to this application.
Contravention of the local plan / contrary to policy 5/11	See paragraphs 8.11-8.12
Need to safeguard community facilities	See paragraphs 8.25-8.32
Very few community/recreational facilities in the area	I note the lack of community and recreational facilities in the area
Howard Mallett Centre was an important community facility	I note from the many representations the importance of the Howard Mallett as a community facility
CSVPA caters for a primarily overseas market	Noted
Must apply strict conditions to any future consent	Further conditions regarding the restriction of the proposed use and access to the Protected Open Space are recommended. Community access to the site will also be required via legal agreement
Building should be open to the community in perpetuity	The application may secure community access to the

<p>No benefit to local people</p> <p>The use will further erode community use of the site</p> <p>Neither previous nor current applications are suitable for the site as both result in a loss of community facilities</p>	<p>building. See paragraphs 8.25-8.32</p> <p>See paragraphs 8.2-8.34</p> <p>The extant permission is a material consideration.</p>
<p>Community Access Scheme</p>	
<p>Restricting community access will lead to a diminishing use over time</p> <p>Draft community Access Scheme is designed to put-off potential users</p> <p>Too many get out clauses in community access scheme</p> <p>The Community Access Scheme is not practical</p> <p>Deposit is unreasonable</p> <p>Too much power to occupier</p>	<p>I share the concerns expressed by the third party representations in relation to the draft community access scheme. As a result a number of significant amendments are required to make the community access offering acceptable. This is addressed in paragraphs 8.2-8.34</p> <p>As above</p> <p>As above</p> <p>As above</p> <p>As above</p> <p>As above</p>
<p>Protected Open Space</p>	
<p>Hoarding over site is unattractive</p> <p>Lack of communal open space in Petersfield</p>	<p>See condition 8</p> <p>I note the lack of public open space in Petersfield</p>

<p>Paths are shown on Protected Open Space as means of escape to building</p> <p>Concerned about expense of railing around site</p> <p>St Mathews Piece is an asset to the community</p>	<p>See paragraph 8.39-8.44</p> <p>Noted</p> <p>I note the importance of St Mathews Piece as a community asset in a densely populated area with a lack of protected open space.</p>
<p><u>Amenity</u></p>	
<p>Concerned about noise and disruption</p> <p>Increased in traffic</p> <p>Need more information about how people will travel to the site</p> <p>Opening hours need to be considered in terms of traffic congestion</p>	<p>See paragraph 8.45-8.49</p> <p>See paragraphs 8.45-8.49</p> <p>See paragraphs 8.50-8.53</p> <p>These are secured in line with Environmental Health advice.</p>
<p><u>Other</u></p>	
<p>Bodywork is not in negotiations with CEG</p> <p>CSVPA have no links to the local community</p> <p>Already a high density of students in the area</p> <p>Developer should not be given</p>	<p>This is not material to the consideration of the application</p> <p>See paragraphs 8.11-8.12</p> <p>This is noted but the impact of an additional educational use on the site is not considered significantly harmful to warrant a refusal. The fall back PD position is also relevant.</p> <p>Each application, for planning</p>

any further permissions until all matters have been adequately enforced by planning authority	permission, S73 amendment and condition discharge needs to be considered on its own merits.
Object to development on the site without permission	Unauthorised works are not material to the consideration of an application
Building should not have private use	A commercial use of part of the building is currently permitted

Appendix 2

- A.2 The first table below contains a summary of comments from PACT with a response to the issues raised. The second table contains a summary of the reports submitted by an objector at 6 Edward Street.

Petersfield Area Community Trust

Objection	Response
Letter dated 7 th May 2016	
Given troubled history of the site the use of the Howard Mallet Centre (HMC) by a school which qualifies as a community facility was seen as best possible outcome	The planning authority should not seek to control named occupiers of a building.
The change of intended occupier did not come to light until after the consultation period.	I note that the intended occupier did not become apparent until several weeks after the application was submitted.
CSVPA have offered some use of the building to the community outside of hours but there is no legal guarantee	See paragraphs 8.25-8.32
Use has varied over the years but somebody has challenged the status of the building as a community facility	I note that the applicant has not challenged the cessation of the community use of the site.
Excluded uses (5.21 of Cambridge Local Plan) such as university teaching accommodation must not be allowed on the site and this should be controlled via condition	See paragraphs 8.11-8.12
CSVPA is not an eligible occupier of the site	See paragraphs 8.11-8.12

<p>Request that tarmac be removed from Protected Open Space</p> <p>The protected space should be freely accessible as per the condition on C/97/1020</p> <p>Note that the student body of CSVPA is larger than that of Bodyworks.</p> <p>There appears to be a high use of taxis by CSVPA students at the existing Round Church site.</p>	<p>See paragraph 8.39-8.44</p> <p>See paragraph 8.39-8.44</p> <p>I note that the student body is larger, however, see paragraph 8.33-8.34 regarding the permitted development fall back.</p> <p>See highways advice.</p>
<p>Letter dated 10th June 2016 – in response to addendum planning statement</p>	
<p>The protection of community facilities is the key concern</p> <p>The local plan differentiate on the basis of activities undertaken rather than ownership</p> <p>Any resident can book a class with Bodyworks</p> <p>Bodyworks have said they are not in discussions with CSVPA</p> <p>No details of the community outreach programmes undertaken by CSVPA</p> <p>Reiterate concern regarding Protected Open Space</p>	<p>See paragraphs 8.2-8.34</p> <p>See paragraphs 8.2-8.34</p> <p>See paragraphs 9.1-9.4</p> <p>I note that this is likely to be the case as representations have been received from Bodyworks. However. this is not material to this planning application</p> <p>See above</p> <p>See paragraphs 8.39-8.44</p>

<p>The value of the lease increases if the occupier no longer has to cater primarily for the local market</p> <p>Flat cost of access is a problem for other community facility offerings</p> <p>Contravention of the local plan</p> <p>It is not acceptable to exclude access at times when the school is closed</p> <p>CSVPA is not a dedicated language school but language teaching elements form part of the prospectus</p> <p>Protection of the community use of the site is more important than the value of the offering</p>	<p>Noted as part of 8.33</p> <p>See paragraphs 8.25-8.32</p> <p>See paragraphs 8.2-8.34</p> <p>See paragraphs 8.25-8.32</p> <p>I note that there are English language classes provided as part of the curriculum of CSVPA</p> <p>See paragraphs 8.25-8.32</p>
<p>Letter dated 5th October</p>	
<p>Request that Protected Open Space is freely accessible to the public</p>	<p>See condition 8</p>
<p>Letter dated 11th October</p>	
<p>Concerned about Low Demand Notice; experience with organisations acting unreasonably resulting in community spaces being unusable</p> <p>A corrective Action Plan should be submitted by applicant if uptake is low</p> <p>Day time use of the site should change if evening uptake is low</p>	<p>These points are addressed in paragraphs 8.25-8.32 of my report</p>

<p>Agreement needs to be permanent</p> <p>£250 deposit is onerous and should be discretionary</p> <p>Clause regarding precedence of school activities is unacceptable</p> <p>A warning arrangement needs to be in place and more details of issues relating to unacceptable behaviour are needed.</p> <p>There should be a maximum attendance to avoid confusion</p> <p>Bookings are likely to be on a term-by-term basis therefore a booking series should be available</p> <p>A ticket system is impractical. Users should sign in.</p> <p>A reasonable wear and tear clause should be added</p> <p>Contact arrangements for booking should be provided on the City Council and CSVPA websites with a reasonable response time guaranteed</p>	
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A.3 A response to the reports from 6 Edward Street can be found below. The representations have been submitted as reports which are each individually numbered. Reports 1-9, 15 and 18 relate to this application:

6 Edward Street

Objection	Response
1. This is how we got here	
This report provides a history of the site	This documents provides a useful background of the site from the opening of St Mathew's Piece in the late 19 th century to the present day
2. Chard Robinson and the making of a "modern new home for Bodywork" company	
<p>Provides background information on Bodywork Company</p> <p>All publicity relating to the HMC for the months following the 2014 application (14/1252/FUL) related to Bodywork. No other occupiers were suggested or mentioned</p> <p>The developers held an exhibition in December 2014 which was focused on Bodywork</p> <p>Documents submitted with the application all related to Bodywork</p> <p>In April 2016 Chard Robinson signed an agreement to lease the HMC to two companies; Cambridge Arts & Sciences LTD and Cambridge Education Ground LTD. The next day the current application (15/2372/FUL) was lodged</p> <p>The switch from Bodywork was never publicised</p> <p>The Truth was revealed when</p>	<p>Noted</p> <p>I note that all documentation at the time of the application reference 14/1252/FUL related to Bodywork</p> <p>See above</p> <p>See above</p> <p>I note that the intended occupier for the site has changed.</p> <p>This is not a material planning consideration</p> <p>This is not a material planning</p>

<p>the 'head of cats' mentioned that he would be taking over the HMC when in conversation with a taxi driver</p>	<p>consideration</p>
<p>3. CEG, CATS & CSVPA are ineligible occupants or beneficiaries of D1 status of Howard Mallet</p>	
<p>Provides extract from Independent Scholl Inspections Report (October 2015) which describes CSVPA as an international college.</p> <p>At a meeting with PACT in April 2016 Chard Robinson confirmed that CSVPA intended to move into the HMC</p> <p>Provides another extract from Independent Scholl Inspections Report (October 2015) which states that CSVPA as part of CATS has a total of 743 students with a wide range of nationalities. Most students are from overseas speaking English as an additional language</p> <p>The CSVPA prospectus details entry requirements of a mandatory English level ranging from 'limited user' to 'modest user' CSVPA offers BA-level and pre-MA courses CEG is owned by a private equity company</p> <p>Clear contrast between CEG/CATS/CSVPA and Bodywork</p>	<p>I note the status of CSVPA as discussed in paragraph 8.11-8.12</p> <p>I note that the application had been lodged for a substantial period of time before the intended occupier was announced</p> <p>Although the applicant has failed to provide details of the student profile of CSVPA I note that a substantial number of the students are not local.</p> <p>I note that some of the courses provided by CSVPA provide an English language teaching element however CSVPA would not be considered a language school.</p> <p>I note that the activities undertaken by CSVPA differ from Bodywork but this does not mean CSVPA could not lawfully implement the 2014</p>

	<p>application provided the use was as a dance school/studio, as the permission for this is not personal to Bodywork.</p>
<p>4. 14/1252/FUL & 15/2372/FUL: Change of use or sleight of hand</p>	
<p>Chard Robinson submitted two planning applications for change of use (including the current application). They publicly expressed an intention to submit a further application for “phase II” once the current application is permitted</p> <p>The local community was unaware of the change of use from a D1 dance studio to “general education” until late in the application process</p> <p>The local community did not get a chance to debate either change of use application</p> <p>On 14/1252/FUL neither a site notice nor advert was posted. Only 32 letters to neighbours were sent. The consultation took place over the summer holiday period.</p> <p>Two representations were not considered as part of the officer’s report</p> <p>All publicity related to Bodywork’s intention to occupy the building rather than the application for change of use</p>	<p>I note that this is the second application for change of use on the site. Any future applications are not material to the current proposal</p> <p>I note that there were concerns regarding consultation, however, the adjacent occupiers were notified of the application when it was submitted. A site notice was also erected</p> <p>An opportunity has and will be available to address Planning Committee.</p> <p>The consultation on 14/1252/FUL is not material to the current application</p> <p>See above</p> <p>An application was submitted for change of use. The local authority has no control over the publicity material distributed by the developer</p>

<p>5. What does it signify when the LPA imposes pre-commencement planning conditions</p>	
<p>There are twelve conditions attached to 14/1252/FUL. All of the pre-commencement conditions have been ignored.</p> <p>Developer considers cycle parking issues to be the same as previous application as the current change of use is considered 'somewhat immaterial'. Cambridge Cycle Campaign have raised an objection to the application.</p> <p>An Arboricultural Method Statement or Tree Protection Plan have not been submitted to discharge condition 4</p> <p>A travel plan has not been submitted in relation to condition 12</p>	<p>A number of pre-commencement conditions were not discharged as part of 14/1252/FUL and operational works have been carried out. Condition submissions have been late but the development could be lawfully implemented.</p> <p>The cycle parking layout has been amended in line with comments from the Walking and Cycling Officer to address the issues and no further comment from the Cycle Campaign has been received.</p> <p>An AMS and TPP have now been submitted and condition 4 has been discharged</p> <p>A Travel Plan was submitted but was considered unacceptable. The Local Planning Authority refused to discharge this condition. The applicant has appealed this refusal. The applicant has also re-applied to discharge this condition and this is before Planning Committee for consideration also.</p>
<p>6. Public Open Space – How is it protected?</p>	
<p>Reiterates history of St Mathew's Piece from 1889 to period when HMC was built</p>	<p>I note this history. I have assessed the issue of public open space in paragraph 8.39-8.44</p>

<p>Provides condition 15 and 16 of C/97/1020 which both relate to open space. Condition 15 states that the open space will be freely accessible to members of the public</p>	<p>See proposed condition 8</p>
<p>Provides quote from Tony Collins which describes the location of the protected open space and a map showing the location of the Public Open Space both from application ref 06/0567/FUL</p>	<p>Noted</p>
<p>Notes that at the time of the application ref 06/0567/FUL the tarmacked area of Public Open Space existed</p>	<p>Noted</p>
<p>Notes a condition was attached to 06/0567/FUL which required a reduction in car parking spaces which would allow the tarmac to be removed.</p>	<p>Noted, the permission was not implemented</p>
<p>Provides background on 12m strip of disputed land to the south of HMC</p>	<p>Noted</p>
<p>7. General points on the 15/2372/FUL re-consultation</p>	

<p>A 15 page addendum planning statement was submitted. The applicant has applied to discharge a number of conditions</p>	<p>I note the submission of the 1st addendum</p>
<p>Proposed change of use is very significant</p>	<p>The change of use is significant but the permitted development fall back is also a material consideration.</p>
<p>CSVPA are not an eligible occupier</p>	<p>See paragraph 8.11-8.12</p>
<p>Applicant has not addressed non-compliance with pre-commencement conditions</p>	<p>One pre-commencement condition remains outstanding to the 2014 application, no. 12.</p>
<p>Car park management provisions are inadequate</p>	<p>See paragraph 8.52</p>
<p>The Transport statement is flawed</p>	<p>See paragraphs 8.50-8.53</p>
<p>Community access would only take place outside of lease hours</p>	<p>Due to safeguarding issues members of the community cannot have access to the site during school core hours.</p>
<p>Planning officers and member should reject application revoke consent for 14/1252/FUL</p>	<p>Disagree, this would be unreasonable</p>
<p>The applicant should seek to work with local community to regenerate HMC</p>	<p>Noted</p>
<p>8. More on why CSVPA is an ineligible occupant or beneficiary of the Howard Mallett's D1 status</p>	

<p>Reiterates a number of points raised in report 3 in relation to CSVPA</p> <p>Provides information regarding the teaching of English as a second language as part of the curriculum in CSVPA and considers that CSVPA does operate as a language school</p> <p>Notes that CSVPA's courses include a number accredited for university level qualification</p> <p>CSVPA is half of CATS tutorial college</p> <p>Proposal fails all three counts set out in 5.21 of the Cambridge Local Plan (2006)</p>	<p>I note the points raised in report 3. See my response at paragraphs 8.11-8.12</p> <p>I note the English language teaching element of the curriculum. See paragraphs 8.11-8.12.</p> <p>Although the applicant has not provided details of the courses provided by CSVPA I note from their website that they offer a number of university level courses. See paragraphs 8.11-8.12</p> <p>Noted see paragraphs 8.11-8.12</p> <p>See paragraphs 8.11-8.12</p>
<p>9. The applicant's recent retrospective response to 15/2372/FUL's ignored pre-commencement planning conditions</p>	
<p>Reiterates a number of points raised in report 5 in terms of pre-commencement conditions.</p> <p>Concerned about many details relating to the cycle parking submission</p> <p>Notes that transport plan submitted takes an aggregated position of Bodywork and CSVPA as the two most likely occupiers of the space</p>	<p>As noted previously 2 pre-commencement conditions remain outstanding. See above.</p> <p>See paragraphs 8.54-8.55</p> <p>See paragraphs 8.50-8.53</p>

Concerned about cycle parking for phases II	Phase II is not relevant to the current application.
Disputed land should not be used for cycle parking	Cycle parking has been removed from the disputed land.
AMS and TPP no longer valid	The Tree Officer has considered the information submitted to discharge condition 4 of 14/1252/FUL. She considers the information submitted acceptable.
As condition 4 was not discharged prior to commencement the planning permission should be invalidated	Condition 4 is not considered to go to the heart of the permission. The failure to discharge it prior to commencement does not prevent lawful implementation.
The travel plan is inadequate and contains error.	See paragraph 8.50-8.53
The cover letter is misleading	Noted
15. October 2016 re-consultation on 15/2372/FUL – Key objections	

<p>Developer acknowledge the proposal is the worst case scenario educational establishment</p>	<p>The worst case scenario comments relate to a request from the Transport Assessment Team for the applicant to provide worst case scenario data in terms of traffic to the site under a general education D1 use as opposed to the data provided which related to CSVPA.</p>
<p>Pre-commencement conditions appear to offer no protection</p>	<p>I note that a number of representations request the application is invalidated as pre-commencement conditions were not discharged prior to commencement of works. I address this at paragraphs 8.19-8.24</p>
<p>Challenges idea that permission was not personal to Bodywork</p>	<p>We have received legal advice from the applicant and the council's solicitor which advices that the permission ref 14/1252/FUL was not personal to Bodywork</p>
<p>CSVPA is not an eligible occupier under 5/11</p>	<p>See paragraphs 8.11-8.12</p>
<p>Site would need to be used exclusively as a dance school for a period of months</p>	<p>This is only relevant if the applicant were to try to implement the previous consent ref 14/1252/FUL</p>
<p>CSVPA has elements of tutorial college, language school and university teaching accommodation</p>	<p>See paragraphs 8.11-8.12</p>
<p>Community access proposed fails to meet with that which was to be provided by</p>	<p>The community access provision by Bodywork was not secured by legal</p>

<p>Bodywork</p>	<p>agreement and a change of use to another D1 use under permitted development could result in the loss of community use of the site. See paragraphs 8.2-8.34</p>
<p>Safeguards to protect community use of the site have failed</p>	<p>See paragraphs 8.25-8.32</p>
<p>Conditions need to be attached to any future permission to protect the community use of the site</p>	<p>See paragraphs 8.25-8.32</p>
<p>The permission for the 2014 application should be rescinded or it should be considered invalidated.</p>	<p>It is beyond the scope of this report to consider formally whether the permission for the 2014 application should be rescinded. Legal advice is that it is capable of lawful implementation and it is currently extant and a material consideration.</p>
<p>Eastern Corridor Transport Plan</p>	<p>Contributions towards this can no longer be sought under the CIL Regulations</p>
<p>The use would generate taxi trips and the Travel Plan does not account for this.</p>	<p>Officers have asked for clarification from the applicants as to the realism of this proposition within the Travel Plan. In any event, following occupation, a survey of trips to the building would be undertaken and targets would be assessed accordingly. This issue is not fundamental to the decision before members.</p>
<p>The speed limit within the local</p>	<p>Noted, but this is not</p>

<p>area is 20mph not 30mph as noted in the Travel Plan.</p>	<p>fundamental to the decision before members.</p>
<p>18. On the 11/11/16 Technical Note (on the 10/16 TS for 15/2372/FUL)</p>	
<p>The Technical Note on the Transport Statement fails to address a number of issues raised by the County Council Transport Team. These relate to existing transport infrastructure, safety/accident analysis, staff movements between sites, modal share for staff and the Travel Plan</p> <p>No cycle parking provision for non-staff/non-student users</p> <p>The survey of student travel patterns is flawed; sample size is too small and no information about what course the students surveyed are attending</p> <p>The permission will not be personal so all CSVPA specific data should be discounted</p> <p>The total number of trips are in</p>	<p>See County Council Comments, which have taken into account these third party representations at paragraphs 8.50-8.53.</p>

excess of those presented in the Transport Statement

Does not fully assess the range of users and hours of use; no justification to only assess 'normal daytime hours'

The worst case scenario for evening use misrepresents the number of potential classes (could be up to 12 classes)

Traffic impact on weekends unclear; could users park in Howard Mallett and go shopping in nearby Grafton Centre

The number of cycle spaces appears inadequate for evening use when you combine number of potential users and class leaders/teachers

Assumes future use of the site as a college which may be contrary to policy 5/11

From the survey data there would be a need for 35 student car parking spaces; more than double the on-site provision

Refers to figures agreed relating to 14/1252/COND12 however this Transport Statement has been revised 6 times and the condition has not been discharged

Survey data provided is not

revised but the first time data
has been collected

Cycle accumulation for
weekends/evenings has not
been addressed