

Application Number	16/1272/S73	Agenda Item	
Date Received	8th July 2016	Officer	Sav Patel
Target Date	2nd September 2016		
Ward	Petersfield		
Site Proposal	Citylife House Sturton Street Cambridge CB1 2QF 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.		
Applicant	Mr Julian Curry 207 Regents Street London		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposed alterations would not have any adverse impact on the character and appearance of the Conservation Area. - The proposed alterations would not have any significant adverse impact on the residential amenity of the adjacent neighbours.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site consists of a flat roof rectangular building located north of St Matthew’s Piece in the Petersfield area of the city. The site is bounded on the east side by York Street which is characterised by two storey housing; on the north side by New Street which is characterised by a mixture of residential and commercial development; on the west side by Sturton Street which is mainly characterised by two storey housing; and to the south by the open space of St Matthew’s Piece. The

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

- 1.2 The site lies wholly within the City of Cambridge Conservation Area No. 1 (Central) and outside the Controlled Parking Zone.
- 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 building, fronting onto York Street, is designated as Protected Open Space. This strip of land includes a number of Plane trees and forms part of the St Matthews Piece which is an area Protected Open Space. The strip of land is currently covered by tarmac and is used as car parking associated with Citylife House.

2.0 THE PROPOSAL

- 2.1 This Section 73 (S73) application seeks to vary condition 2 (approved plans) of planning permission ref 14/1252/FUL, which was for the change of use of the permitted use of the building (as a studio/cafe bar/multimedia education centre and community facility (sui generis) granted under planning permission 97/1020 to a Class D1 dance school/studio and external alterations). The proposal is for minor material amendments to the layout of the cycle parking, location of the bin store, revised location of plant from the eastern elevation to the rooftop, emergency access provision from the eastern elevation and alterations to the car parking.
- 2.2 The original amendment to the cycle parking location has been revised following issues over landownership. The rooftop plan has also been revised to include details of the finish following concerns over its visibility from outside the site. The proposed amendment also includes alterations to the footpaths on the eastern side of the building for emergency access for disabled and wheelchair users, the opening for the bin store and the car parking layout to limit access to 17 spaces.

2.3 Some of these works such as the cycle parking at the south of the building and rooftop plant have been carried out, so this application is part retrospective.

2.4 The application is accompanied by the following supporting information:

1. Cover letter; and
2. Plans

3.0 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
15/2372/FUL	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.	Pending consideration
14/1252/FUL	Change of use from the permitted use as a studio/cafe bar/multimedia education centre and community facility (sui generis) granted under planning permission 97/1020 to a Class D1 dance school/studio including limited alterations to the external envelope of the building.	Permitted, this is the application to which the Travel Plan submission relates
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

4.0 PUBLICITY

4.1	Advertisement:	Yes
	Adjoining Owners:	Yes
	Site Notice Displayed:	Yes

5.0 POLICY

- 5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/11 3/14 4/4 4/11 8/2 8/4 8/6 8/10

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> 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 Control)

- 6.1 The Highway Authority does not consider there to be any implications that merit comments.

Urban Design and Conservation Team

- 6.2 No material conservation issues with this proposal.

Environmental Services Team

- 6.3 The proposed development is acceptable subject to a plant noise condition and informative.

Refuse and Recycling Team

- 6.4 The revised position for the bin store is adequate for collection and storage purposes. It should be suitably lit, ventilated and ideally have drainage to allow wash-down. Doors should open wide enough to allow ease of egress of large 4-wheeled bins and lock open to enable multiple bins to be pulled easily in and out. Pavements should be a minimum of 2m wide and should include drop kerbs and be of a solid surface. Access to the site should be provided to the waste contractor either by key or code as commercial collections may occur at any time.

6.5 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:

- 6 Edward Street;
- 27 Ainsworth Street;
- Petersfield Area Community Trust;

7.2 The representations can be summarised as follows:

Original scheme of amendments:

- Some of the proposed cycle parking south of the building is located on land that is covenanted as public open space;
- The Conservation Team cannot have adequately considered the impact of the view from street level of the ugly rooftop plant;
- None of the waste storage or waste management facilities should ever intrude upon the protected public open space on the east side of the building;
- None of the hundreds of individuals who objected to 15/2372/FUL have been consulted on this S73 application;
- The rooftop plant will be entirely visible;
- Industrial appearance in this location is a major issue;
- The green space needs protection due its recreational and conservation value;
- If a similar rooftop plant was proposed on the surrounding houses the application would be dismissed;
- Any approval of this application should reiterate the conditions from 97/1020 to ensure the public status of this area;
- The open space has been hoarded off for two years.

7.3 Cllr Robertson has made representations on the application and has requested the application be presented to Planning Committee for the following reasons:

- The applicant seeks to use part of the public land for cycle parking (south of the building) parking. They have already installed Sheffield stands but I believe they have accepted

this is an error and are removing them from the public land. This will leave them short of bike racks they need to provide and I cannot see an alternative layout;

- The relocation of plant equipment onto the roof has already been carried out and can be seen from the play area and other vantage points. The effect is very ugly. The erection of a parapet on the York Street elevation to hide it adds to the overbearing nature of the building. It is unacceptable for the developer to make such a big change to the building in a Conservation Area and expect to get retrospective permission.

7.4 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

8.0 ASSESSMENT

Context of site, design and external spaces

8.1 This is a S73 application and the consideration of the merits of this application can only focus upon the aspects sought for amendment. The principle of change of use of the Howard Mallet Centre cannot be revisited as part of this application. Members focus should be solely on the proposed minor material amendments. I set out below my assessment of each of the following amendments:

- Cycle Parking;
- Rooftop plant;
- New paths;
- Bin store;
- Car park layout;

Cycle parking

8.2 The approved cycle parking provision consisted of 118 spaces located adjacent to the north, west and south elevations of the Howard Mallet Centre (HMC). The number of spaces is not proposed to change. The proposed amendment consists of redistributing the number of cycle spaces around the site. The proposed site plan shows 58 cycle parking across the northern and western side of the building instead of 74 as originally

approved. The cycle parking along the southern elevation is increased from 44 spaces as approved to 60 spaces and includes some covered stands. Concerns have been raised by Cllr Robertson and local residents regarding the location of cycle racks within a strip of land south of the HMC known as “the burdened land” which restricts the space from being enclosed so as to allow the public to have access over it. The applicant has removed all cycle parking from this strip of land and arranged the spaces accordingly within the site. The Walking and Cycling Officer is satisfied with the revised layout of the cycle parking.

- 8.3 The Tree Officer agreed to the discharge of condition 4 (Tree Protection) of the original planning permission (14/1252/FUL) on the basis of the site plan which contains the same cycle parking arrangements as proposed for this S73 application. Therefore, the revised cycle parking arrangement would not have any adverse impact on existing protected trees subject to the agreed tree protection measures being installed.
- 8.4 I am therefore satisfied that the revisions to the cycle parking arrangement are acceptable and would not have any adverse impact on the site or character and appearance of the Conservation Area.

Rooftop plant

- 8.5 The external plant that was approved on the eastern elevation has been installed on the rooftop. The rooftop plant consists of extractors and condenser units. The plant runs north to south and is located within the centre of the roof (600mm wide, 800mm high and 21.8 metres in length). The plant would be partially hidden behind a parapet and due to the span of the HMC and existing tree coverage, views of it are limited and oblique. The plant is located closer to the edges of the north (7 metre set back) and south (8.3 metre set back) elevations and so would be more visible from these ends. However, only the slender profile of the plant is generally visible from these locations and so it does not appear obtrusive. The applicant has agreed to paint the plant black to match the overall appearance of the building in order to mitigate its appearance from views outside the site. I am satisfied that painting the plant will address concerns of its visibility from outside the site and its impact on the character and appearance of the Conservation

Area. I have recommended a condition for this to be carried out within 1 month from the date of any permission.

New paths

- 8.6 The amended plans include three new paths on the eastern side of the building to provide a means of fire escape. The paths would not restrict access to or enclose the area of protected open space. The alteration to provide paths to improve emergency access mainly for disabled people, including those in wheelchairs, is acceptable and would not have any adverse impact on the area. This element of the proposed amendment is acceptable.

Bin store

- 8.7 The bin store for the approved use is to remain in the same location on the eastern side of the HMC. The original amendment (rev G) showed the bin store opening out onto the car parking area and the enclosure projecting beyond the north elevation. The proposed revised amendment is to increase the size of the enclosure in order to accommodate the required amount of receptacles and move it back to its original approved location, so that it opens out onto an area that is convenient for the refuse collection team to collect, empty and return the bins. The amended plan (rev N) also shows the refuse store to contain 6no. 1100 litre bins. The bins are enclosed within a 1.8 metre high close boarded fence enclosure which is 4.8m x 4.2m. The revised layout is acceptable to the Refuse and Recycling Team. The bin store would provide a dedicated storage area for bins to be securely stored and accessible to the refuse collection team, and avoids cluttering the site or visual impact on the area.

Car park layout

- 8.8 In the original planning permission (14/1252/FUL), 17 of the 39 car parking spaces available are used for staff parking during core hours. The applicant is proposing to section off the rest of the 22 spaces. Members of the public that attend classes would be able to use the car parking after core hours (from 6pm) and this is controlled by the approved car parking management plan via condition 11, which has been discharged. None of the students are permitted to park in the car park. The proposed

alteration is to install bollards/fencing/planters to section the remaining car parking spaces off that are not associated with the approved use of the building. The proposal to install a barrier within the car park is acceptable as it would be low level and unobtrusive and would ensure the car park is only used in connection with the approved use.

- 8.9 In summary, the proposed alterations are acceptable in terms of their visual impact on the site and surrounding area. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/14, 4/4, 8/2, 8/4 and 8/6.

Impact on the Conservation Area

- 8.10 The Mill Road Conservation Area Appraisal makes reference to the HMC as being "...a single storey black glazed modern building of some architectural interest". The HMC is also identified as a 'Focal Point' building in the appraisal. The Conservation Team has not raised any concerns with the proposed amendments to the approved scheme. The rooftop plant, whilst partially visible from certain locations, is not considered to be unduly obtrusive and the applicant has agreed to paint it black. This will visually reduce its size and blend into the appearance of the building. The parapet on the eastern side of the building helps to mitigate its appearance. I am therefore satisfied that subject to a paint condition the plant will not appear prominent from the public realm or have a significantly detrimental impact on the character and appearance of the Conservation Area. None of the other alterations are considered to have a detrimental impact on the appearance of the HMC or Conservation Area. I am therefore satisfied the alterations are acceptable in terms of their impact on the Conservation Area.

- 8.11 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 4/11.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.12 The proposed amendments would not have any adverse impact on the residential amenity of the surrounding occupiers. In terms of noise from the relocated plant, this has been assessed as part of the discharge of condition 6 (Plant Noise Mitigation)

of 14/1252/FUL. The Environmental Services Team is satisfied that the relocation of the plant to the rooftop would not increase background noise levels by more than 3dB and as such the installation is acceptable.

8.13 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policy 4/13.

Third Party Representations

8.14 I set out below my response to the third party representations received to the proposed amendments.

Representations	Response
Some of the proposed cycle parking south of the building is located on land that is covenanted as public open space;	See para 8.2
The Conservation Team cannot have adequately considered the impact of the view from street level of the ugly rooftop plant;	The impact of the rooftop plant on the Conservation Area has been carefully assessed and the applicant has agreed to paint it black which is supported by the Conservation Team.
None of the waste storage or waste management facilities should ever intrude upon the protected public open space on the east side of the building;	The location of the bin store has already been approved and the proposed amendment does not significantly alter this.
None of the hundreds of individuals who objected to 15/2372/FUL have been consulted on this S73 application;	All residents that made comments on the original planning application 14/1252/FUL were consulted. The proposal amendments are to the original consent and therefore sufficient individuals have been consulted.
The rooftop plant will be entirely visible;	See para 8.3
Industrial appearance in this location is a major issue;	The location of the plant was approved to be located externally on the eastern elevation. This would have made the plant more

	prominent. By locating it on the rooftop and painting it black reduces its appearance.
The green space needs protection due its recreational and conservation value;	None of the area of protected open space will be enclosed or restricted from use as part of the proposed amendments.
If a similar rooftop plant was proposed on the surrounding houses the application would be dismissed;	Each planning application is considered on its own merits.
Any approval of this application should reiterate the conditions from 97/1020 to ensure the public status of this area;	This application only seeks minor material amendments to the original planning permission. Therefore the amendments are the only issues that can be considered.
The open space has been hoarded off for two years.	This has been to ensure the health and safety of the public during external and internal works to the building. The applicant advises that it will be removed once works have been completed.

9.0 CONCLUSION

- 9.1 Planning permission has already been granted under planning permission ref 14/1252/FUL for the change of use of the existing to a dance school/studio use. The current S73 application seeks minor material amendments to the original planning permission. Therefore the principle of the change of use has been established and cannot be reconsidered as part of this application. Only the proposed amendments can be.
- 9.2 The proposed minor material amendments consist of alterations to the cycle parking arrangements, relocation of the external plant from the east elevation to the rooftop, alterations to the bin store, alterations to improve the fire escapes on the eastern elevation, and alterations to the car parking by sectioning off 22 spaces so that only 17 are available to staff and also to members of the public during specific times.

- 9.3 Each of the proposed alterations have been carefully assessed to ensure they relate to the use of and respect the existing building without having a detrimental impact on the character and appearance of the Conservation Area. The amendments would not have any adverse impact on the residential amenity of the surrounding neighbours.

10.0 RECOMMENDATION

APPROVE, subject to the following conditions:

1. The development hereby permitted shall be begun before 28 October 2018 (the expiration of three years from the date of planning permission reference 14/1252/FUL).

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

2. 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, 11 and 12 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).

3. 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)

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

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

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

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

6. 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).

7. 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.