

<b>Application Number</b>	18/1859/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	3rd December 2018	<b>Officer</b>	Ganesh Gnanamoorthy
<b>Target Date</b>	28th January 2019		
<b>Ward</b>	Arbury		
<b>Site</b>	39 Akeman Street Cambridge CB4 3HE		
<b>Proposal</b>	Temporary change of use of 39 Akeman Street as a Community Centre Office for a period of 55 weeks involving the widening of a rear door and the installation of an access ramp.		
<b>Applicant</b>	Mrs Allison Conder Cambridge City Council PO Box 700 Cambridge Cambridge CB1 0JH UK		

<p>SUMMARY</p>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The development would help to facilitate a much needed increase in the amount of affordable housing within the City</li> <li>- The proposed development would be for a temporary period only and would not have any significant adverse impact on the residential amenity of the neighbouring occupiers;</li> <li>- The proposal would ensure an existing community facility is re-provided in the short term while the existing site is redeveloped. The new site would include a new, purpose built community facility.</li> <li>- The proposed development is unlikely to give rise to any significant adverse impact upon on-street car parking capacity on the surrounding streets.</li> </ul>
<p>RECOMMENDATION</p>	<p>APPROVAL</p>

## **0.0 BACKGROUND**

- 0.1 This planning application has been submitted by Cambridge Investment Partnership (CIP) which is a joint venture company set up by Cambridge City Council and Hill Investment Partnership. The purpose of the partnership is to deliver 500 net new council rented homes across the City using mainly council owned sites/assets. The City Council has received £70 million support from central government as part of the Devolution Deal to help achieve this target.

## **1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 The application site hosts a 2-storey semi-detached property on the northern aspect of Akeman Street.
- 1.2 The property is currently vacant, although is a residential (use class C3) property.
- 1.3 The property is not located within a designated conservation and the property is not a listed building.
- 1.4 The property is not situated within a controlled parking zone.

## **2.0 THE PROPOSAL**

- 2.1 This application proposes a temporary change of use of the property for use as a community centre (Use Class D1) and associated office for a period of 55 weeks.
- 2.2 The proposal would involve some minor external alterations to the rear of the site, with a doorway being widened and the installation of an access ramp.
- 2.3 A separate planning application has been submitted for the redevelopment of 74-82 Akeman Street for the erection of 3 no. retail units (2 x use class A1 and 1 x use class A5), 1no. Community Centre (use class D1) and provision of 14 no. dwellings (8 flats and 6 maisonettes) following demolition of existing units and flats).
- 2.4 The temporary change of use at 39 Akeman Street would ensure that the existing community use at 82 Akeman Street is not lost during the proposed wider redevelopment.

2.5 An amended plan has been submitted to show the extent of the proposed access ramp to the rear of the site.

2.6 The application is accompanied by the following supporting information:

- Existing and proposed floor plans
- Site location plan
- Design and Access Statement
- Sound Insulation Prediction sheet by Create Consulting Engineers Ltd dated 25/04/2019

### 3.0 SITE HISTORY

3.1 There is no relevant planning history on this site.

### 4.0 PUBLICITY

4.1 Advertisement:	No
Adjoining Owners/Occupiers:	Yes
Site Notice Displayed:	No

### 5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	1, 3, 55, 56, 59, 73, 81, 82

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework February 2019 National Planning Policy Framework – Planning Practice Guidance March 2014
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	Circular 11/95 (Annex A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)  Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)  Planning Obligation Strategy (March 2010)
Material Considerations	<u>City Wide Guidance</u>  Cycle Parking Guide for New Residential Developments (2010) Public Art SPD 2010.

## 6.0 CONSULTATIONS

### **Cambridgeshire County Council (Highways Development Management)**

6.1 The Highways Officer has commented and states that the proposal would be unlikely to cause a significant impact on the public highway.

### **Environmental Health Officer**

6.2 No objection has been raised subject to noise mitigation measures being secured by way of condition.

## 7.0 REPRESENTATIONS

7.1 Two letters of representation have been received - both from occupiers at 41 Akeman Street.

7.2 The concerns raised can be summarised as follows:

- A house is not fit for purpose for use as a community centre
- The property would not be accessible to wheelchair and disabled users
- Garden needs landscaping to be suitable for wheelchair users
- How would large furniture required get in to the property
- Costings have not been provided

- Can the property be insured outside of its built purpose?
- Loss of a dwelling not appropriate when there is a shortage of housing
- Noise disturbance
- Hours of operation
- Increased parking stress

7.3 The table below highlights the relevant sections of the report where these issues are addressed, or comments made where not covered in the report.

Concern Raised	Officer Response
A dwelling not fit for purpose as a community centre	See para 8.3
Not accessible to wheelchair users	See paras 8.8 – 8.10
Garden needs landscaping to be suitable for wheelchair users	The garden could be looked after to make this accessible, although not all community activities require garden space. It would also fall out of the control of the Local Planning Authority to ensure such a space is regularly maintained
How would large furniture be delivered to the property?	This is not a material planning consideration
No costings for works provided	This is not a material planning consideration
Can the property be insured as a community centre when it is a house?	This is not a material planning consideration
Loss of a dwelling inappropriate when there is a housing shortage	See para 8.4
Increased noise disturbance	See paras 8.14-8.17
Excessive hours of operation	See para 8.17
Increased parking stress	

Officer response: The proposal includes the widening of a door to the rear and the installation of an access ramp to allow for wheelchair users. Whilst it is accepted that the stairs within the

dwelling could limit use by some users, the operator would need to consider what activities are held in which space.

- 7.4 The garden could be looked after to make this accessible, although not all community activities require garden space. It would also fall out of the control of the Local Planning Authority to ensure such a space is regularly maintained.
- 7.5 The concerns regarding furniture delivery, costings and insurances are not material planning considerations.
- 7.6 The proposal is for a temporary use only, and is not intended to be a permanent solution. The proposal would allow for existing activities to continue, to the benefit of the local community.

## **8.0 ASSESSMENT**

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Highway safety
5. Car and cycle parking

### **Principle of Development**

- 8.2 Policy 73 of the Cambridge Local Plan (2018) seeks to ensure that community facilities are only lost where it is demonstrated that there is no requirement for the use, or where it can be replaced elsewhere.
- 8.3 Although this proposal does not involve the loss of a community facility, it seeks to ensure that an existing, and active, community use is able to continue operating on a temporary basis whilst a more permanent upgrade to the existing facility is secured.
- 8.4 Policy 3 of the Cambridge Local Plan (2018) resists the loss of residential uses, except in exceptional circumstances. This proposal would result in the loss of a residential use although it would be for a temporary period of time, and would be to

facilitate the provision of an overall increase in housing, and affordable housing, in the City Council's boundaries.

- 8.5 With the above in mind, the proposal is considered to comply with policies 3 and 73, and the principle of development is considered acceptable subject to the material considerations discussed below being satisfactorily met.

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

- 8.6 The site is located within a predominantly residential area with some commercial uses present. The site is not located within a conservation area, and the building is not listed.
- 8.7 The proposed development would result in no external alterations to the front of the building. The proposal would not, therefore, have an impact on the streetscene.
- 8.8 To the rear of the site, two alterations are proposed. One is for the widening of a door, and the other is to install a ramped access. These alterations are both to allow for greater accessibility to the premises.
- 8.9 The applicant has provided an amended floor plan showing the extent of the ramp to the rear whilst the new width of the door is shown. These would both appear to be acceptable although it is considered appropriate to attach a condition requiring specifications of the ramp, as well as a proposed rear elevation drawing showing the door and ramp.
- 8.10 It is my opinion that the changes proposed are of a minor nature and, subject to the imposition of a condition, would be appropriate to the surrounding pattern of development and the character of the area and would not constitute overdevelopment. In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, and 59.

### **Residential Amenity**

#### Impact on amenity of neighbouring occupiers

- 8.11 It is noted that concerns have been raised with regard to noise generation and the hours of operation.

- 8.12 With regard to the external alterations, these are considered to be of a minor enough scale so as to ensure that there would not be an adverse impact on the amenity of neighbouring properties with regard to sunlight/daylight receipt, overlooking, overshadowing, loss of privacy and outlook.
- 8.13 The change of use does, however, create the possibility for the property to have a different impact on neighbouring properties with regard to noise creation than the existing situation.
- 8.14 The application has been supported by a Sound Insulation Prediction data sheet
- 8.15 The conclusions of the document are that the proposed use could have an impact at ground floor level to the adjoining property, and that sound insulation should be added to this wall.
- 8.16 The Council's Environmental Health Team have been consulted on the proposal, and have raised no objection subject to the imposition of a condition restricting the hours of operation of the premises, number of users per room, insulation being provided to the shared party wall at ground floor level, and controls on music/amplified noise.
- 8.17 I consider it important to mitigate against potential noise, and restricting hours of use (09:00 to 18:00 Monday to Friday) and the provision of insulation at the ground floor party wall are supported. It is noted that the hours proposed by condition are shorter than those which the objector raises concerns over, and have been agreed by the Council's Communities Team. These restricted hours would also ensure that any gathering of people outside of the property would be unrelated to its use as a community centre, and would therefore be unlikely to be related to this proposal. Requests to condition the number of users per room are not supported however, as this would not be enforceable and would, therefore, fail the tests which all conditions must meet as set out in Circular 11/95. The request to prohibit music and amplified voice would also be unenforceable, and given the heavily restricted hours of operation this is not considered to be necessary.
- 8.18 I have assessed the potential impact on the residential amenity of the surrounding occupiers in terms of sunlight, daylight, overlooking, overbearing sense of enclosure and



overshadowing. I am satisfied that the proposal, due to its siting, layout and distance from existing dwellings and boundaries, would not have a significant adverse impact on the residential amenity of the neighbouring occupiers such that it would warrant refusal.

### **Highway Safety**

- 8.19 The property does not propose any alterations to site access and egress.
- 8.20 The Highways Authority has been consulted on the proposal and they do not consider that the proposal would have an adverse impact on highways safety.
- 8.21 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 81.

### **Car Parking**

- 8.22 I consider that the proposed hours of operation mean that the likely demand for parking would be during hours when parking demand would likely be at its lowest. In addition, the site is not in a Controlled Parking Zone and so parking is available on-street. I also consider that likely users of a facility such as this would be people in close proximity of the site and so car reliance would likely be minimal.
- 8.23 In my professional opinion the proposal provides an acceptable level of car parking. I consider the proposal to be compliant with Cambridge Local Plan (2018) policy 82.

## **9.0 CONCLUSION**

- 9.1 The proposed is for a temporary change of use to provide a community facility, including the widening of a rear door and the installation of an access ramp to the rear.
- 9.2 The proposal would allow for the continued provision of a community use while a redevelopment of an existing site would provide an upgraded community facility, new retail premises and new housing.

- 9.3 The application has been considered against the relevant policies, and upon assessment, I consider that the application complies with national and local policies, and should, therefore, be granted planning permission subject to appropriate planning conditions.

## 10.0 RECOMMENDATION

**APPROVE** subject to the following conditions:

1. The community use hereby permitted shall expire after 55 weeks from first use of the premises in this use. The applicant shall inform the Local Planning Authority, in writing, of the intended date of first occupation (which shall not be more than three years from the date of this decision notice) prior to the use commencing. The premises shall then revert back to residential use after the expiry of 55 weeks from this date.

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004, and to protect the amenity of the adjoining properties (Cambridge Local Plan 2018, Policy 35).

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. The D1 use hereby permitted shall be operational between 09:00 and 18:00 Monday to Friday only.

Reason: To protect the amenity of the adjoining properties (Cambridge Local Plan 2018, Policy 35).

4. Prior to first use, sound insulation shall be provided to the shared party wall of the ground floor in accordance with the specifications within the Create Consulting Engineers Ltd - Sound Insulation Prediction data sheet dated 25/4/1.

Reason: In the interests of residential safety (Cambridge Local Plan 2018, Policy 35).

5. Notwithstanding the plans hereby approved, details of the access ramp and door shall be submitted to, and approved in writing by, the Local Planning Authority prior to installation.

Reason: In the interests of the visual amenity (Cambridge Local Plan 2018, Policies 55, 56 and 59).