

<b>Application Number</b>	20/04083/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	2nd October 2020	<b>Officer</b>	Ganesh Gnanamoorthy
<b>Target Date</b>	3rd December 2020		
<b>Ward</b>	Arbury		
<b>Site</b>	39 Akeman Street		
<b>Proposal</b>	Continuation of temporary use as a community centre office and activities for a period of 52 weeks from 5/11/2020.		
<b>Applicant</b>	Mr Paul Gray Housing Development Agency Mandela House 4 Regent Street Cambridge CB2 1BY		

SUMMARY	<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>
RECOMMENDATION	APPROVAL

## **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.
- 0.2 Planning permission was granted on 14<sup>th</sup> August 2019 for the 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. This application came before the Planning Committee On 3<sup>rd</sup> July 2019.

## **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 in use as a community centre, although has a lawful use as a residential (Class C3) dwellinghouse.
- 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 the continued use of the property for use as a community centre (Use Class D1) and associated office for a further period of 52 weeks.
- 2.2 A separate planning application has been granted permission on 11<sup>th</sup> October 2019 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).

2.3 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. The need for the extension of the temporary use of 39 Akeman Street as a community facility is, in part, due to the coronavirus pandemic causing delays with the construction of the redevelopment of 74-82 Akeman Street. Construction commenced in November 2019 and is now due to be completed in June 2021.

2.5 The application is accompanied by the following supporting information:

- Floor plans
- Site location plan
- Design and Access Statement

### **3.0 SITE HISTORY**

3.1 18/1859/FUL – Permission granted on 14<sup>th</sup> August 2019 for the 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.

### **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	1, 3, 55, 56, 59, 73, 81, 82
Plan 2018		

### 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 Circular 11/95 (Annex A)
Supplementary Planning Guidance	Greater Cambridge Sustainable Design and Construction (Jan 2020)  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 No letters of representation have been received.

## **8.0 ASSESSMENT**

8.1 From the consultation responses 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 established community use is able to continue operating on a temporary basis whilst the approved permanent facility in the development at 74-82 Akeman Street is constructed.

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 continued loss of a residential dwelling 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.

Para 014 Reference ID: 21a-014-20140306 of the National Planning Practice Guidance states; it will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). It is considered that the change in circumstances with regard to the construction of a new community centre provides clear justification for a second temporary permission.

8.5 With the above in mind, the proposal is considered to comply with national planning guidance and 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, no new alterations are proposed either.
- 8.9 Officers consider that the proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, and 59.

### **Residential Amenity**

#### Impact on amenity of neighbouring occupiers

- 8.10 No representations have been raised from neighbouring properties.
- 8.11 With regard to the external alterations that have taken place, these were considered in the previously approved application to not have an adverse impact on the amenity of neighbouring properties with regard to sunlight/daylight receipt, overlooking, overshadowing, loss of privacy and outlook. No new alterations are proposed.
- 8.12 The continued 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 former residential use. A condition was attached to the previous consent, which should be applied again, in order to restrict hours of use to minimize disturbance for neighbouring properties.
- 8.13 The previously approved application had been supported by a Sound Insulation Prediction data sheet

- 8.14 The conclusions of the document were 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. A condition requiring this to be installed prior to first use was imposed, and the works were duly carried out.
- 8.15 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.
- 8.16 As with the previous consent, Officers consider it important to mitigate against potential noise by restricting hours of use (09:00 to 18:00 Monday to Friday). 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.
- 8.17 Officers 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. Furthermore, the use has been in operation for over 12 months without complaint. Therefore, officers are satisfied that the proposal for continued temporary use of the property as a community centre would not have a significant adverse impact on the residential amenity of the neighbouring occupiers.

### **Highway Safety**

- 8.18 The property does not propose any alterations to site access and egress.
- 8.19 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.
- 8.20 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 81.

## **Car Parking**

- 8.21 Officers 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 the LPA are unaware of any issues that have risen as a result of the use of the property as a community centre to date.
- 8.22 Officers considered in the previous application that the proposal would have an acceptable impact of car parking, and there are no material changes to consider otherwise at this time. With this in mind, it is considered that the proposal is compliant with Cambridge Local Plan (2018) policy 82.

## **9.0 CONCLUSION**

- 9.1 The proposed is for the continuation of a temporary change of use to provide a community facility.
- 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, is considered to comply 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 52 weeks from the date of this decision notice. The premises shall then revert back to residential use after 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 F2 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).