

Application Number: F/YR13/0876/F

Minor

Parish/Ward: March/March North Ward

Date Received: 19 November 2013

Expiry Date: 14 January 2014

Applicant: Mr R Gramantas

Agent: Brand Associates

Proposal: Change of use from shop to community centre/club.

Location: 6B Station Road, March, Cambs

Site Area/Density: N/A

Reason before Committee: Number of objections received.

1. EXECUTIVE SUMMARY/RECOMMENDATION

The application site forms part of the Primary Shopping Frontage (PSF) of the March town centre and it is located outside but adjacent to the Conservation Area. There are residential properties at first floor above neighbouring retail units with a car park serving a residential complex to the rear and residential properties beyond.

The Applicant seeks consent to convert the first floor of the premises from a shop to a community centre/club. It is proposed to use the building seven days a week and it would cater for a number of activities including music, arts and crafts and drama lessons, Zumba classes and English and cultural lessons. The premises would also be used for karaoke and music events on a Friday and Saturday evening until 01:00; after 21:00 access would be restricted to members only.

The key issues to consider are:

1. Vitality, Viability and Providing Community Facilities
2. Noise and Neighbour Amenity
3. Crime

The key issues have been considered against Local and National Planning Policies and the proposal is considered to be acceptable subject to conditions. It is considered that, on balance, there would be no unacceptable adverse impact on neighbouring amenity or the vitality or viability of the area. Therefore this application is recommended for approval.

2. HISTORY

Of relevance to this proposal is:

- | | | |
|--------------------------|---|-------------------------------|
| 2.1 F/YR09/0200/F | Change of use from retail to amusement centre (No. 6), installation of 2 no new shopfronts and erection of single-storey rear extension | Delegated Refusal (June 2009) |
|--------------------------|---|-------------------------------|

F/YR09/0680/F

Change of use from retail to amusement centre (No. 6), installation of 2 no new shopfronts, replacement first floor window and erection of single-storey rear extension

Committee Refusal
- Allowed at Appeal
(May 2010)

3. PLANNING POLICIES

3.1 National Planning Policy Framework:

Paragraph 2: Planning law requires that application for planning permission must be determined in accordance with the development plan.

Paragraph 14: Presumption in favour of sustainable development.

Paragraph 17: Seek to ensure high quality design and a good standard of amenity for all existing and future occupants.

Paragraph 59: 'Planning policies and decisions should aim to ensure that developments ... create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion'.

Paragraph 69: Planning ... decisions ... should aim to achieve places which promote ... opportunities for meetings between members of the community who might not otherwise come into contact with each other ... [which] do not undermine quality of life or community cohesion...'

Paragraph 123: Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

Paragraph 129: 'LPAs should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset)'.

3.3 Fenland Local Plan Core Strategy (Submission Version) – September 2013:

CS6: Employment, Tourism, Community Facilities and Retail

CS16: Delivering and Protecting High Quality Environments across the District

CS17: Community Safety

CS18: The Historic Environment

3.4 Fenland District Wide Local Plan:

E8 – New Development

E20 – Environmental Pollution

4. CONSULTATIONS

4.1 *Town Council*

Object – the balcony overlooks private property and concerns with respect to noise and outside drinking.

4.2 *FDC Conservation Officer*

No response received at the time of writing this report.

4.3 *Environmental Health Officer*

No objection – subject to attaching a condition with respect to hours of operation.

4.4	FDC Licensing	No objection
4.5	CCC Highways	No objection – any parking demand will be met on local streets and in existing town centre car parks, however the latter may have implications for local residential amenity.
4.6	Middle Level	No objection
4.7	Police Architectural Liaison Officer	Comments – There are no details of CCTV, supervisory staff or safety glass. There are also concerns with respect to the balcony being used for smoking.
4.8	Local Residents:	18x letters of objection have been received raising the following concerns; <ul style="list-style-type: none"> • Late Opening Hours (Friday and Saturday open until 2AM); • Impact to the amenity of neighbour residents; and • Rear fire escape used as smoking area and as a result a loss of privacy

5. SITE DESCRIPTION

5.1 The application site is located at first floor above an established Amusement Arcade, Newsagents, Barbers and Betting Shop. These ground floor premises form part of the Primary Shopping Frontage of March town centre. The property is located outside but adjacent to the March Conservation Area. There are residential properties at first floor above adjacent retail units with a car park serving the residential properties to the immediate north.

6. PLANNING ASSESSMENT

6.1 The main issues associated with this proposal are:

1. **Vitality, Viability and Providing Community Facilities**
2. **Noise and Neighbour Amenity**
3. **Crime**

1) Vitality, Viability and Providing Community Facilities

The application site is located at first floor on a primary retail frontage on the edge of the commercial area boundary for March town centre.

The proposal would be accessed via an existing pedestrian access from Station Road. The proposal would create a community centre/club, a D2 use class. As the proposal would be located at first floor it would not prejudice the viability or viability of this primary retail frontage and therefore accords with Policy CS6 of the Fenland Core Strategy (Submission 2012). However, it is considered reasonable to limit the use of the business to what is proposed and for no other use within Class D2. The reason for this is that other uses within this use class which may not be appropriate at this location.

As a result of the development the scheme would provide opportunities for meetings between members of the community who might not otherwise come into contact with each other, therefore it is consistent with the principles of paragraph 69 of the NPPF (2012). The Agent has confirmed in his email to FDC (10.1.14) that the club will only be open to members after 21.00; however a condition in this regard would not be reasonable.

Subject to conditions that would limit the use class the proposal is not considered to result in an unacceptably adverse impact on the vitality or viability of the town centre, and the premises would provide a meeting place for members of the community. The scheme therefore accords with Policy CS6 of the Fenland Core Strategy DPD (Submission 2013) and Paragraph 69 of the NPPF (2012).

2) Noise & Neighbour Amenity

There have been several letters of representation that have raised concern with noise and potential impact to neighbour amenity. The property is located on the edge of the commercial area and is surrounded by a number of residential properties at first floor and to the rear. The Environmental Health Officer has raised concerns with the premises opening after 23:00 given the proximity of neighbouring properties and the fact the site is on the edge of the commercial area.

The supporting information states that the premises once approved would result in live music and plays; however no information has been provided with respect to the type of sound system that would be used or an indication of noise limits. Whilst it states within an email from the Agent to Fenland District Council (07.01.14) that the building has been sound proofed to building control standards, this does not mean it has been sound proofed to an acceptable levels for neighbour residents. As such it is considered reasonable to attach a planning condition with respect to noise management, which can include additional sound proofing, as well as a temporary 12 month consent. This would allow the Local Planning Authority to monitor the use; after which the Applicants could apply for a permanent consent.

Subject to these conditions the proposal would not have an unacceptably adverse impact on neighbour amenity and accords with Policy CS16 of the Fenland Core Strategy (Submission Sept 2013), E8 and E20 of the Fenland Local Plan (1993) and the NPPF (2012).

3) Crime

The Police Architectural Liaison Officer (PALO) has raised concern that no CCTV details have been provided, a smoking area has not been provided on site and there are no details for supervisory staff. It has been advised that the first floor glazing should utilise safety glass.

Further liaison with the PALO has established that CCTV details can be secured by condition, as well as a Crime Management Plan which will include details of supervisory staff and the installation of satisfactory safety glass. The PALO has maintained concerns that a smoking area has not been provided on site and this could place increased pressure on service provision. The PALO supports issuing a temporary consent.

Subject to securing the above conditions the proposal would accord with Policies CS16 and CS17 of the Fenland Core Strategy (Submission Sept 2013), the NPPF (2012) and E8 of the Fenland Local Plan (1993).

Other Matters

External Changes – there are no external changes proposed; as such the proposal is not considered to have an unacceptably adverse impact on the setting of the adjacent Conservation Area.

7. CONCLUSION

- 7.1 Subject to conditions the proposal would not have an unacceptably adverse impact on neighbouring amenity, the vitality or viability of the March Town Centre or the setting of the adjacent March Conservation Area. The proposal is therefore considered to accord with Policies CS6, CS16, CS17 and CS18 of the Fenland Core Strategy (Submission 2013), E8 and E20 of the Fenland Local Plan (1993) and the NPPF (2012).

8. RECOMMENDATION

Grant – Subject to the following conditions.

- 1. The development permitted shall be begun before the expiration of 3 years from the date of this permission.**

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2. The development shall not begin until a scheme for noise management has been submitted to and approved in writing by the local planning authority. The scheme shall include measures to manage and minimise the transmission of noise within the premises and between the adjoining properties. These provisions could include physical and/or administrative measures. The scheme shall be implemented in accordance with the approved details before the premises are occupied and any noise insulation and measures of control shall thereafter be retained.**

Reason: In the interests of protecting neighbour amenity and the amenity of future occupiers, in accordance with Policy CS16 of the Fenland Core Strategy DPD (Submission 2013), the NPPF (2012) and EV8 and E20 of the Fenland Local Plan (1993)

- 3. Notwithstanding the submitted information the premises shall be used for a community centre/club use only and for no other purpose (including any other purpose in class D2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order.**

Reason: In granting this permission the Council has had regard to the special circumstances of this case and considers that an unrestricted use within Class D2 would be unacceptable in view of Policy CS16 of the Fenland Core Strategy DPD (Submission 2013) and EV8 of the Fenland Local Plan (1993)

- 4. Notwithstanding the submitted information the use hereby permitted shall only operate between the hours of 12:00 to 23:00 Monday to Thursday, 12:00 to 01:00 Fridays, 10:00 to 01:00 Saturdays and 10:00 to 22:30 on Sundays.**

Reason: To protect the amenities of adjoining occupiers in accordance with Policy CS16 of the Fenland Core Strategy DPD (Submission 2013) and E8 and E20 of the Fenland Local Plan (1993)

- 5. Notwithstanding the submitted information the rear balcony area shall not be used as a smoking platform whatsoever.**

Reason: In the interests of protecting the amenity of adjacent occupiers in accordance with Policy CS16 of the Fenland Core Strategy DPD (Submission 2013) and EV8 of the Fenland Local Plan (1993).

- 6. Notwithstanding the submitted information prior to the occupation of the premises CCTV details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the CCTV system shall be installed in accordance with the approved details and retained in perpetuity.**

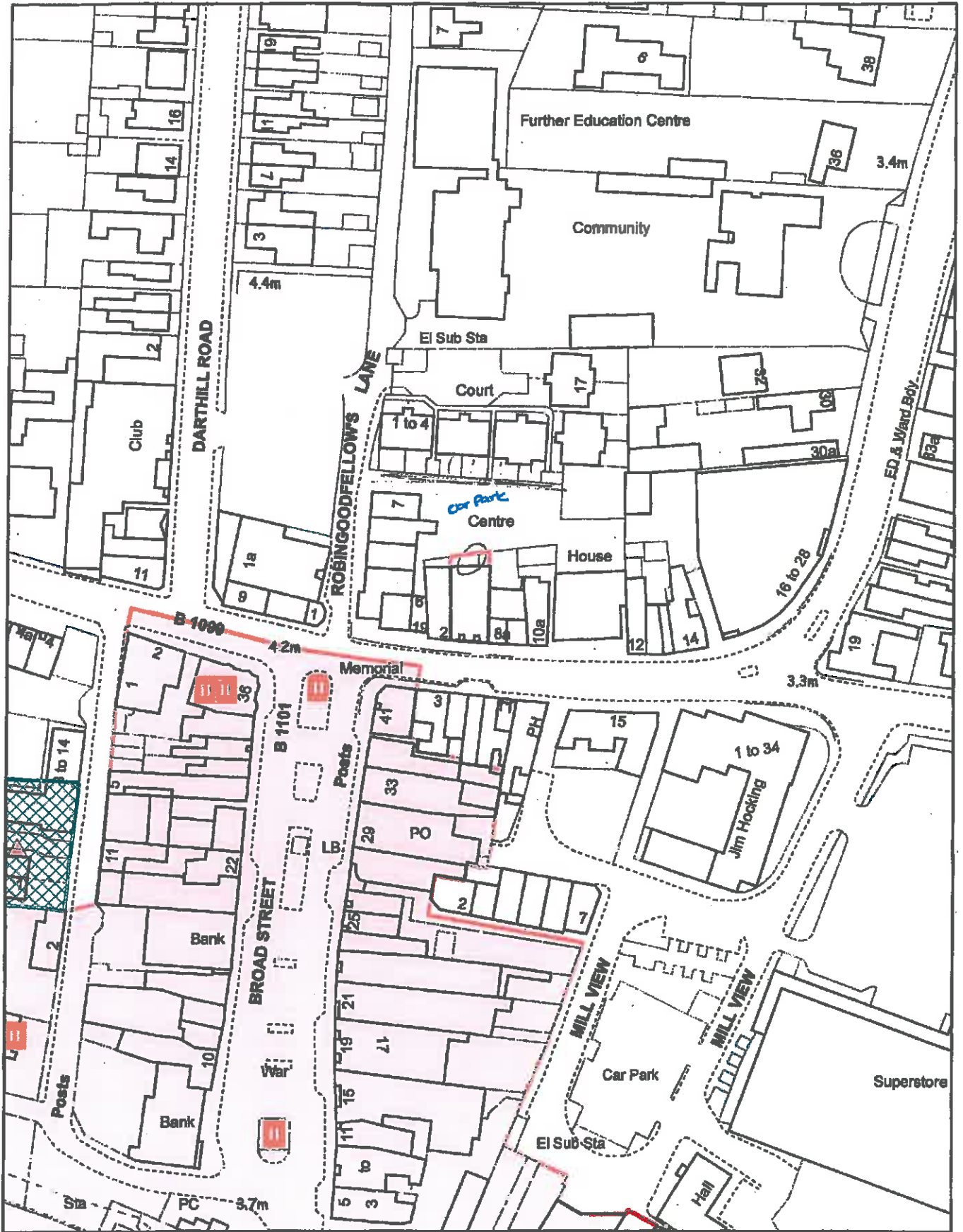
Reason: In the interests of community safety and designing out of crime, in accordance with Policy CS17 of the Fenland Core Strategy DPD (Submission 2013) and the NPPF (2012).

- 7. Notwithstanding the submitted information prior to the occupation of the premises a Crime Management Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall include details of supervisory staff and the installation of safety glass at first floor. Thereafter the scheme shall be implemented in accordance with the approved details to the satisfaction of the Local Planning Authority in perpetuity unless otherwise agreed in writing with the Local Planning Authority.**

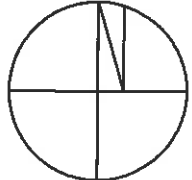
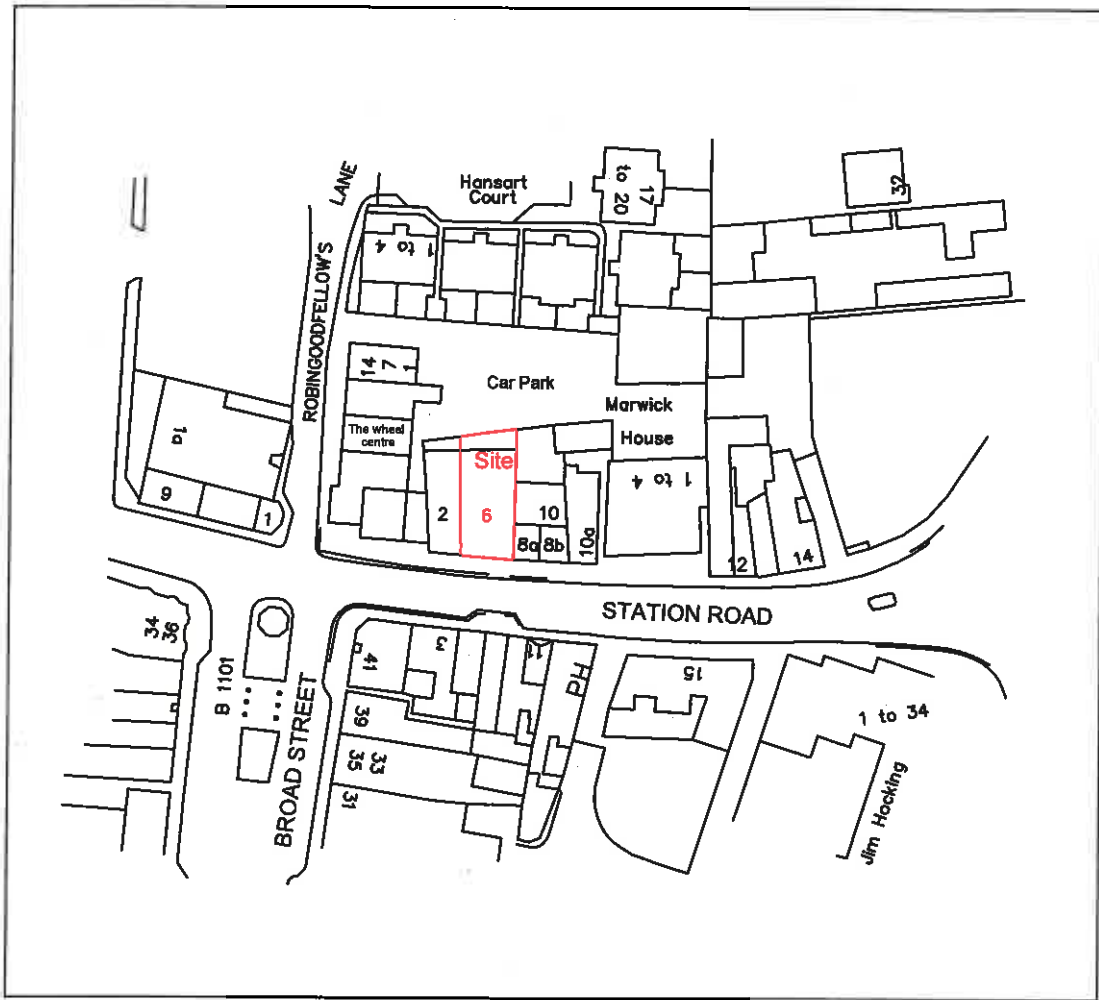
Reason: In the interests of community safety and designing out of crime, in accordance with Policy CS17 of the Fenland Core Strategy DPD (Submission 2013) and the NPPF (2012).

- 8. Approved Plans**

- a. 13/2/B – Preliminary Floor Plans**
- b. 13/4 – Existing plans**
- c. 13/1.2 – Site Plan**
- d. 13/L – Location Plan**



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**PROPOSED COMMUNITY
HELP CENTRE 6B
STATION ROAD MARCH**

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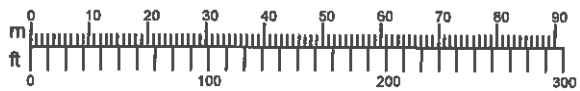
LOCATION PLAN

1:1250 : NEM : NOV.13

REAL.13 : L :

2A Dartford Road
March PE15 8AB
tel [01354] 653 818
fax [01354] 651 951
mail@brand-associates.net

Scale 1:1250 - A4



ROBINGOODFELLOW'S LA

BROAD STREET

The wheel
Centre

Marwick
House

1 to 4

10a

10

8b

8a

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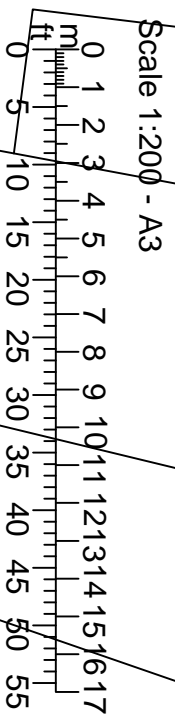
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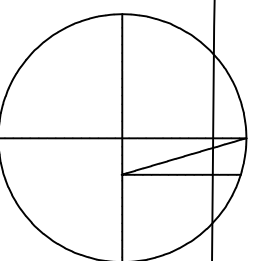
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STATION ROAD



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architects

2A Dartford Road
March PE15 8AB
tel [01354] 653 818
fax [01354] 651 951
mail@brand-associates.net

PROPOSED COMMUNITY
HELP CENTRE 6B STATION
ROAD MARCH

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PROPOSED SITE PLAN

1:200 : NEM : NOV/13
REAL.13 : 1.2 :