

Application Number: F/YR14/0199/F
Minor
Parish/Ward: March/March North
Date Received: 7 March 2014
Expiry Date: 2 May 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: Previous committee decision and 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. At the time of writing this report the premises was undertaking non-licensable activities.

The Planning Committee refused planning permission earlier this year for the following reason;

The development does not provide an acceptable on-site smoking area therefore patrons would be forced to smoke on the footway adjacent to the pedestrian entrance. Patrons congregating close to the entrance will obstruct the footpath which could force passing pedestrians to step into the road due to a fear of crime or intimidation. Further, groups of patrons congregating on the footway could result in confrontation and anti-social disorder, leading to an increase in service provision to the site and an unacceptably adverse impact on the amenity of local residents.

Further to the Applicants subsequent conversations with the Licensing team and Police Architecture Liaison Officer the hours of operation have been amended and now propose opening Sunday-Friday until 23:00 and Saturday until 01:00; after 21:00 access would be restricted to members only. A Crime Management Statement forms part of the supporting Statement and an area of land has been identified directly in front of the premises at ground floor which is in the Applicants control and would be an allocated smoking area.

Further to the Planning Committee's previous decision the key issue to consider is:

1. Crime & Anti-Social Behavior

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/YR13/0876/F	Change of use from shop to community centre/club	Committee Refusal (February 2014)
	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)'.

3.2 Fenland Local Plan Core Strategy (Submission Version) – September 2013.

The Inspector's Report into the Core Strategy has concluded that the Core Strategy is 'sound,' subject to a number of 'main modifications.' The most up-to-date version of the Core Strategy is the Pre-Submission version (September 2013), as amended by the schedule of modifications. Due to its advanced stage, in accordance paragraph 216 of the NPPF, significant weight can be accorded to the Core Strategy when considering planning applications

The Council will consider the adoption of the Core Strategy (with main and minor modifications) at Cabinet and Full Council on 8 May 2014. Provided it is approved, the Core Strategy (incorporating main and minor modifications) will have full statutory weight as of 9 May 2014.

Although the Core Strategy will replace all of the existing or "saved" policies of the Fenland Local Plan, this document remains part of the statutory development plan for the District until the Core Strategy is formally adopted by the Council.

CS6: Employment, Tourism, Community Facilities and Retail

CS16: Delivering and Protecting High Quality Environments across the District

CS17: Community Safety

CS18: The Historic Environment

3.3 Fenland District Wide Local Plan:

E8 – New Development

E20 – Environmental Pollution

4. CONSULTATIONS

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| 4.1 | <i>Town Council</i> | Object – overlooking and community impact on adjacent properties. |
| 4.2 | <i>FDC Conservation Officer</i> | No response received at the time of writing this report. |
| 4.3 | <i>Environmental Health Officer</i> | No objection – subject to a noise mitigating scheme being provided by condition, which could include both physical and administrative measures. |
| 4.4 | <i>FDC Licensing</i> | No comments received |

- 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** No comments
- 4.8 **Local Residents:** At the time of writing this report 18x letters of objection have been received raising the following concerns;
- Opening Hours
 - Impact to the amenity of neighbour residents; and
 - Rear fire escape used as smoking area and as a result a loss of privacy
- Neighbour consultation expires 23rd April 2014. Any additional letters of representation received will be summarised in the update report.

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 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 a previous 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 previously 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 level for neighbour residents. As such it is considered reasonable to attach a planning condition with respect to noise management, which can include both physical and administrative measures.

Letters of representation have raised concern with the rear balcony being used for smoking as well as the movement of staff. To confirm this rear area is only available for use in emergencies; this shall be restricted by planning condition. A smoking area would be provided at the front of the premises. Whilst members of staff may use this balcony area when undertaking general maintenance there is a distance in excess of 25 metres between the balcony and residential properties to the north. Further, it is not considered that members of staff would spend significant periods of time which would result in an unacceptably adverse loss of privacy to neighbour residents.

Subject to securing a noise management scheme, hours of use and no public access to the rear balcony 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

Further to the previous application the Agent has provided a Crime Management Statement (Planning Statement) and has demonstrated that the premises can provide a smoking area at ground floor clear of the highway, which would be monitored by a licensed doorman in the interests of controlling any anti-social behaviour. As part of the licensing agreement (10.04.14) this area will be restricted to 5 persons only and no alcohol is allowed to leave the premises. Whilst the use may result in an increase in service provision from the Police, further to the submitted supporting Planning Statement the Police Architectural Liaison Officer (PALO) has raised no comments to the scheme. CCTV details can be secured separately through the licensing process and the installation of safety glass at first floor shall be attached as an informative.

As such the scheme is considered to have overcome the previous concerns of providing an on-site smoking area, and in accordance with the submitted Planning Statement, has set out measures to prevent anti-social behaviour. The proposal accords 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;

- 1. a satisfactory noise management scheme being submitted.**

- 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. **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)

3. **Notwithstanding the submitted information the use hereby permitted shall only operate between the hours of 12:00 to 23:00 Monday to Friday, 10:00 to 01:00 Saturdays and 10:00 to 23:00 on Sundays.**

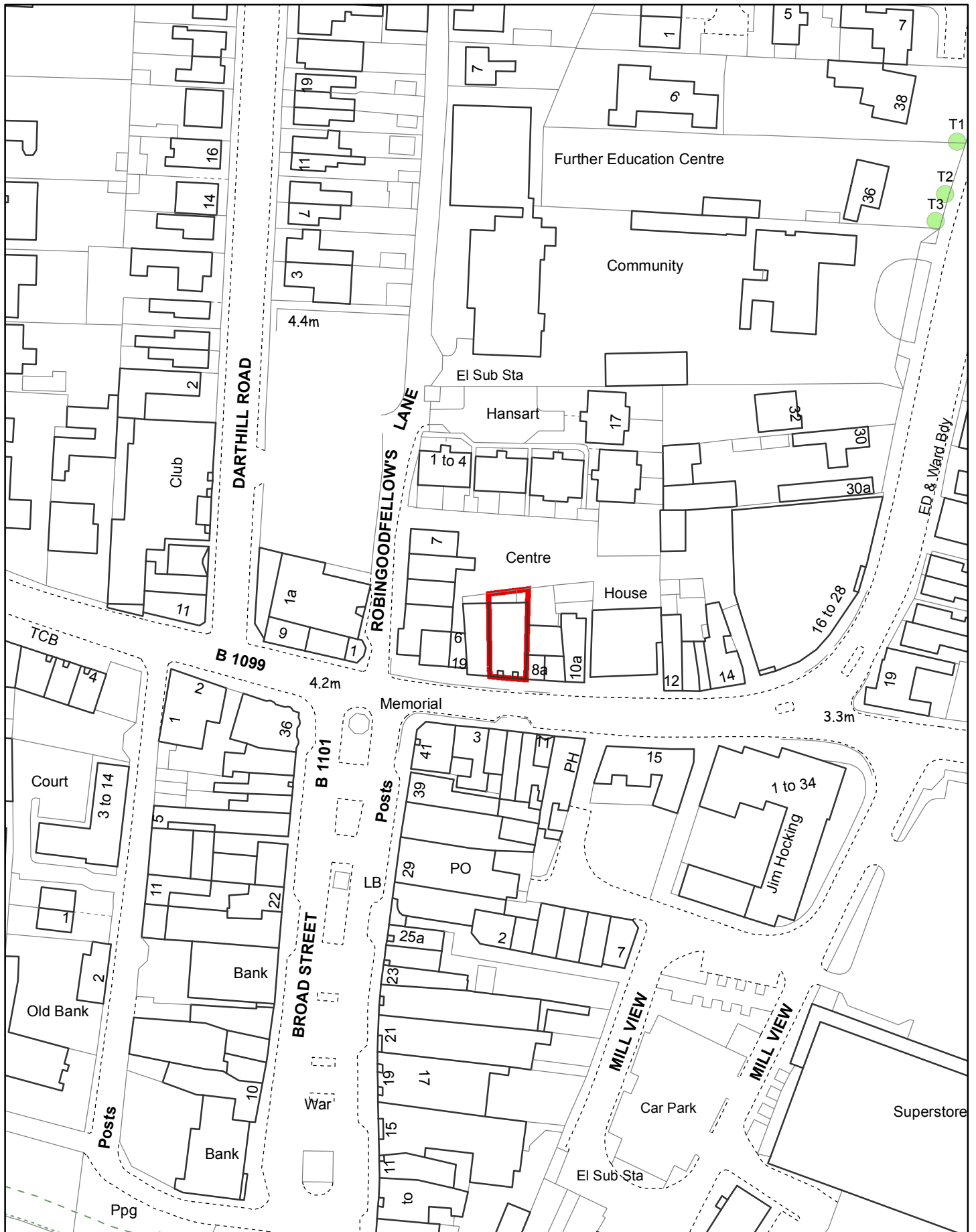
Reason: To protect the amenities of adjoining occupiers in accordance with Policy CS16 of the Fenland Core Strategy DPD (Submission 2013) and E8 and E20 of the Fenland Local Plan (1993)

4. **Notwithstanding the submitted information the rear balcony area shall be used as an emergency access only.**

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).

5. **Approved Plans**

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



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