
MAIN CASE

Proposal: Change of use from B1 Business use and associated B8 storage to D1 non-residential community centre

Location: Unit 3 Chettisham Business Park Lynn Road Chettisham Ely Cambridgeshire

Applicant: Mr Shair Choudhury

Agent: Mr John Goodge

Reference No: 14/00572/FUL

Case Officer: Sue Wheatley

Parish: Ely
Ward: Ely North
Ward Councillor/s: Councillor Mike Rouse
Councillor Elaine Griffith-Singh
Councillor Lindsey Harris

Date Received: 21 May 2014 Expiry Date:

[P111]

1.0 EXECUTIVE SUMMARY

- 1.1 The application is for the change of use of 234 square metres of B1/B8 floorpace of a building within the Chettisham Business Park to use as a community centre. The application has been submitted by the Muslim community, who have been looking for suitable premises for a considerable period of time.
- 1.2 Whilst this is a town centre use and therefore requires the submission of a sequential test officers are satisfied that there are no alternative sites available within the town centre. The loss of employment land is also not overriding. However, the Local Highway Authority has objected to the application on highway safety grounds. Therefore, whilst officers are sympathetic to the needs of the community, they have concluded that they have no alternative but to recommend refusal of the application on highway safety grounds. Health and Safety concerns have also been raised by businesses within the industrial arising from the conflict between HGVs, forklifts and pedestrians within the site.
- 1.3 **A Site visit has been arranged for 11.45am, prior to the Planning Committee meeting.**

2.0 THE APPLICATION

2.1 The application is for the change of use from a business and storage use (B1 and B8) to a community centre. The proposal includes:

- 234 square metres of floorspace
- 16 parking spaces.

2.2 The community centre is to be used by the local Muslim community. The Planning Application Statement sets out that the building would be used in the following manner:

- October to April – 9:00 to 21:00
- May to September – 9:00 to 23:00
- Morning activities to include informal get-togethers, meetings, visits from schools and other interested groups and visits by people wanting to use the resources provided.
- After school classes for women and children(10-15 people)
- After 19:00 classes for men (8-10 people)
- Friday Prayers, between 12:30 to 14:30 to be attended by approximately 40 people (increasing to 50 during school holidays).
- Saturday and Sundays to provide guidance on community engagement, health and medical advice, adult literacy and education.
- Festivals/fairs to take place approximately 3 times a year.
- During Ramadan (a month) the centre would stay open until 23:45

As this Committee report was being finalised further information about hours of use was submitted and this is attached as Appendix 1

2.3 In addition to the Planning Statement the application was accompanied by a Transport Statement and during the course of the consideration of the application further information was provided in relation to transport matters.

3.0 THE APPLICANT'S CASE

3.1 The Applicant's case is set out in the Planning Statement, Transport Statement and the additional information, which can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, on the application file.

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located approximately 3 miles to the north of Ely and is accessed from the former A10 Road. There is a level crossing in close proximity to the north of the site.

4.2 It is located within a small industrial site and the unit that it is proposed to convert to a community centre forms part of a larger 2 storey building.

5.0 PLANNING HISTORY

5.1 A previous application for a community centre was withdrawn (13/01147/FUL).

6.0 REPLIES TO CONSULTATIONS

6.1 Local Highway Authority – recommends that the application be refused for the following reasons:

1. The proposal does not incorporate adequate on-site vehicular parking and manoeuvring facilities to the standard required by the Local Planning Authority. The proposal, if permitted would therefore be likely to result in an undesirable increase in on-street parking to the detriment of highway safety. This may only be occasional but the applicant has not demonstrated the actual numbers that may be attending the community centre as the figures supplied are estimated. There is potential for the community centre to grow in popularity and there seems no room for expansion, both in physical size and parking availability.
2. The proposal, if permitted, would result in the loss of existing parking facilities which would likely result in an undesirable increase in on-street parking to the detriment of highway safety.
3. The proposal does not incorporate adequate facilities for the loading/unloading of vehicles servicing the premises and would therefore likely result in the parking and/or manoeuvring of vehicles in the adjoining public highway to the detriment of highway safety. The drop off points shown on the plan are in close proximity to routes where HGV's and other commercial vehicles/plant operate.
4. The access road is considered to be inadequate to serve the change of use proposed, by reason of its restricted access, poor alignment and lack of passing places and defined routes for pedestrians. It is also unclear as to the rights permitted over this access and if the main gates will be closed at certain times.

6.2 City of Ely Council – supports the objectives of the applicant, but has concerns regarding access into the site, amount of parking available, the suitability of the disabled access at the rear and no allowance for future expansion.

6.3 Access Group – Made a number of detailed comments some of which have been addressed by the revision to the proposed disabled access.

6.3 The following concerns have been received from the neighbouring businesses, Holloseal, Packwell, 2Agriculture Ltd and Pope family Properties.

- Conflict with existing businesses – health and safety issues
- Lack of pedestrian accesses within the industrial estate
- Constant use of the site by HVGs and forklifts
- The gate is locked outside of office hours

- Unsuitability of the rear loading dock for pedestrian and disabled access
- Cycle rack not in a safe area/protection for the cycle rack from reversing lorries is required
- Lack of detail about parking for remaining warehouse
- Concerned that parking will take place in the spaces allocated to other units on the industrial estate
- Concerned about use of communal areas by community visitors; particularly young children.
- Using the pathway from Ely requires crossing a 60 mph road
- Narrowness of site access road which would not allow for 2 way traffic and pedestrian/cycleway access
- Concerned about future D1 uses
- Location of the disabled access
- No parking is normally allowed between the circulatory road and the buildings
- The ramp that is proposed would be close to the roadway
- The vehicle movements to and from the site for the other businesses are far higher than the 166 suggested in the Transport Statement
- The emergency access is shown through an area designated for the use of forklifts and loading and unloading

7.0 **THE PLANNING POLICY CONTEXT**

7.1 East Cambridgeshire Core Strategy 2009

CS1	Spatial Strategy
CS4	Employment
CS6	Environment
CS8	Access
EC1	Retention of employment sites
S1	Location of retail and town centre uses
S6	Transport impact
S7	Parking provision
EN1	Landscape and settlement character
EN2	Design

7.2 East Cambridgeshire Draft Local Plan Pre-submission version (as amended June 2014)

GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
EMP 1	Retention of existing employment sites and allocations
ENV 1	Landscape and settlement character
ENV 2	Design
COM 1	Location of retail and town centre uses
COM 4	New community facilities
COM 7	Transport impact
COM 8	Parking provision

8.0 CENTRAL GOVERNMENT POLICY

8.1 National Planning Policy Framework (NPPF) 2012

1. Building a strong competitive economy
2. Ensuring the vitality of town centres
3. Promoting sustainable transport
4. Promoting healthy communities

9.0 PLANNING COMMENTS

9.1 The issues which need to be considered are the principle of the development, including the need for a sequential test and the loss of employment land, the impact upon the character of the area and highway safety.

9.2 Location outside town centre

The proposed use is identified as a town centre use in the NPPF. There is a requirement therefore for an application to be accompanied by a sequential test to demonstrate that there are no suitable sites within the town centre. Very limited information has been provided in relation to this. The Planning Application Statement explains that the Muslim community currently uses facilities at the Paradise Centre but that these do not meet the needs of the community. An area of land adjacent to the Paradise Centre was proposed for community use but this met with local opposition. Following this a businessman in Littleport offered a facility but this was met with hostility. The Statement advises that any other sites within the town centre have proved to be beyond the cost restraints of the community. Whilst the information that has been provided is fairly minimal officers are satisfied in relation to the sequential test.

9.3 Loss of Employment

The East Cambridgeshire Core Spatial Strategy and draft Local Plan include policies to retain employment land. Policy EC1 of the Core Strategy indicates that the Council will seek to retain land or premises currently or last used for employment purposes unless it can be demonstrated that:

- a. Continued use of the site for employment purposes is no longer viable, taking into account the site's characteristics, quality of buildings, and existing or potential market demand or;
- b. Use of the site for employment purposes gives rise to unacceptable environmental or traffic problems; or
- c. An alternative use or mix of uses offers greater potential benefits to the community in meeting local business and employment needs.

9.4 Policy EMP1 of the draft Local Plan indicates that:

The Council will seek to retain land or premises currently or last used for employment purposes (B1, B2 and B8 uses). As an exception, planning applications for mixed-use re-development involving an element of employment uses may be permitted, where it can be demonstrated that:

- a. Continued use of the site for 100% employment purposes is no longer viable, taking into account the site's characteristics, quality of buildings, and existing or potential market demand; or
- b. The redevelopment of the site would bring significant environmental or community benefits which outweigh the partial loss of employment uses.

Applicants will need to provide clear and robust evidence relating to criteria (a) or (b) alongside a planning application. Planning applications for re-development which propose the loss of all employment uses will need to be accompanied by clear viability or other evidence as to why it is not possible to deliver employment as part of the scheme.

The Council will seek to retain employment allocations for their designated B1/B2/B8 uses. However, planning applications for redevelopment/development for other purposes will be assessed on their planning merits, taking account of criteria (a) and (b) above, and other policies in the Plan (particularly those relating to development in the countryside and impact upon local character).

9.5 The proposal would result in the loss of 234 square metres of employment floorspace however the total redevelopment of the industrial estate is not proposed. It is not considered therefore that there is a conflict with Policy. The Muslim community have been looking for premises for some time and this need should be given weight.

9.6 Community Use

Policy COM 4 in the draft Local Plan, is particularly relevant. This states that:

Proposals for new or improved community facilities should be located within settlement boundaries wherever possible. In exceptional circumstances facilities may be permitted within the countryside where there is a lack of suitable and available land within settlements, or where a rural location is required.

Proposals for all new or improved community facilities should:

- Be well located and accessible to its catchment population (including by foot and cycle)
- Not have a significant adverse impact (itself or cumulatively) in terms of the scale or nature of traffic generated.
- Not have a significant adverse impact upon the character of the locality, or the amenity or nearby properties.
- Demonstrate that opportunities to maximise shared use have been explored; and

- Be designed to facilitate future adaptation for alternative community uses or shared uses.

Each of these criteria therefore are considered in turn.

9.7 The catchment area

The catchment area for the Community Centre is identified as Ely, Soham, Littleport and surrounding villages. The centre would therefore be reasonably central to the catchment. The Transport Statement highlights that there is a public footpath which runs from the site into Ely, however pedestrians would need to cross the road to access the site.

9.8 Traffic Generation and Highway Safety

The Local Highway Authority raised a number of concerns in relation to the Transport Statement, requesting details of likely trips and their distribution and an assessment of the existing access. They have recommended that the application should be refused on highway safety grounds.

9.9 The Local Highway Authority is concerned about the lack of clarity regarding the proposed use highlighting that the proposed numbers using the centre appear to be estimates. Officers had understood that these figures were based upon current usage at the Paradise Centre and the specific needs of the local Muslim community. The applicant is intending to submit further clarification regarding the proposed use and this will be reported orally to the meeting.

9.10 Another concern is the access into the site; particularly the poor alignment of the access, lack of passing places and defined routes for pedestrians. There is also a gate at the access. Whilst it appears that this is usually open, the applicant has been asked to demonstrate that there is a right of access to the building at the times proposed for the use. There is however little that the applicant can do to address the other concerns of the Local Highway Authority in relation to the access.

9.11 Parking is another significant issue. The Transport Statement advises that:

“The proposal shows a total of 16 parking spaces being available for the use of the community centre (as required by the Local Authority based on 1 space per 15 sq m – $234/15 = 15.6$) but in reality, because of the irregular use of the facility, it is unlikely that all these spaces will be occupied at any one time.

The current users of the application site have 6 parking spaces at their disposal of which three are used on a regular basis. The applicant has 8 parking spaces for his business of which two are in use from day-to day.

It is intended to create two additional parking spaces (one accessible) and to install bicycle tethering to reach the numbers required by the Local Authority...

Organised visits by bus or similar will discharge the visitors at the facility entrance and then leave to park elsewhere and await pick-up. An official lay-by parking area

is situated off the main highway to the north of the site entrance for the parking of larger vehicles.”

9.12 Comments have been received from objectors suggesting that the parking spaces would conflict with the circulatory road and that the cycle parking is badly positioned. The dimensions of parking space 1 are inadequate and would conflict with the access road.

9.13 The Core Strategy includes the following maximum parking standard for a D1 Use (public halls and places of worship):

“Up to 1 car space per 4 seats or up to one space per 15 sq m” and “1 cycle space per 8 seats or at least 1 space per 20 sq m”

Therefore, the applicant is correct when he states that the proposed use requires 16 parking spaces. However, the application does not make any provision for parking for the remaining storage use. The Core Strategy includes the following parking standard for a B8 use:

“Up to 1 car space per 100 sq m” and cycle parking provision “on merit”

9.14 Unfortunately no details have been provided of the floorspace of the remaining unit however measuring the plan it appears to have a floorspace of around 340 sq m. Rounding this up therefore standards indicate that the maximum need for this unit should be 4 parking spaces.

9.15 In total therefore standards indicate that the maximum parking requirement for the community centre and the remaining B8 use should be 20 spaces. The provision unfortunately falls below this standard. Whilst the applicant has suggested that the existing B8 storage use generates a very limited parking requirement the needs of a typical B8 use should be considered.

9.16 The issue in relation to parking is exacerbated if the applicant is not able to demonstrate that the gates will be open at all times when the community centre is in use. Of particular concern is if there is insufficient parking on site or it is inaccessible this would encourage parking on the public highway which would be harmful to highway safety due to the 60 mph speed limit of the public highway and the proximity to the level crossing.

9.17 There are no dedicated bus/mini bus dropping off points proposed and the submitted drawing shows that they would stop in the circulatory road which is used by HGVs. This is another concern of the Local Highway Authority.

9.18 The applicant has advised that the peak time for usage will be Friday prayers between 13:00 and 14:00 and that currently a volunteer service is operated to pick up people and that this will be continued. However the Council is not able to impose a condition requiring this as it would be unenforceable and thus would not meet the tests for conditions.

9.19 The applicant has advised that children will be accompanied by adults when they visit the site. The applicant refers to the location of day nurseries on Lancaster Way and St Thomas' Place industrial parks and soft play areas at Lancaster Way and Angle Drove to support his argument that business and community activities can co-exist in safety. Significant concerns however have been raised by the other occupiers of the industrial estate about this.

9.20 Impact upon the character of the area and residential amenity

Policy COM 4 indicates that a community use should not have an impact upon the character of the area or residential amenity. No external alterations are proposed to the building under this application and thus the impact upon the character of the area would be minimal. The supporting Planning Statement indicates that any changes to the building will be the subject of a separate planning application. There are no nearby residential properties and there would thus be no impact upon residential amenity.

9.21 Shared use/Other Community Uses

The application is for a separate Muslim community centre and shared use has not therefore been considered.

9.22 Disabled Access

Originally the disabled access was proposed to the rear of the building. However when it was pointed out that this was a shared loading bay and that disabled visitors would need to negotiate a blind bend the disabled access has been moved to the front of the building and access to the building is proposed using a platform lift.

9.23 Other matters

Concerns have been raised that a D1 use includes uses which would potentially generate even more movements by children; for example a day nursery. If planning permission were to be granted a condition could be imposed restricting the use as a Muslim Community centre.

9.24 To try and overcome the concerns of the Local Highway Authority the applicant has asked whether a temporary permission could be granted. The applicant has advised that the application is for a stop-gap solution to the communities needs and that as families grow and the community expands it will be necessary to move to community facilities. A temporary permission can be used to trial whether a use would be acceptable. However it is not a tool that is used where a change of use would require such a level of refurbishment works. In addition, it would be inappropriate to use such a tool due to the highway safety concerns.

9.25 Conclusion

Whilst officers are sympathetic to and recognise that the Muslim community have been looking for suitable premises for a considerable period of time, having regard to the concerns expressed by the Local Highway Authority, the conclusion has been

reached that there is no alternative but to recommend that the application be refused. The Highway Authority's reasons however have been amended slightly to tidy them up and to include reference to the appropriate policies within the core strategy and the draft Local Plan.

10.0 **RECOMMENDATION**

RECOMMENDATION: **Refusal**

For the following reason:

1. The proposed use, having regard to the anticipated initial level of usage and growth predictions of the applicant includes:
 1. Insufficient parking for the proposed use and remaining business use
 2. Inadequate loading and unloading facilities
 3. An access road which has an inadequate width, poor alignment; lack of passing places and defined routes for pedestrians
 4. No details to demonstrate that the entrance gate will remain open during the hours of the proposed use.

This would be likely to encourage inappropriate parking within the public highway and result in a conflict with the existing businesses and would thus be harmful to highway safety. The proposal would therefore conflict with Policies S6 and S7 in the East Cambridgeshire Core Strategy 2009 and policies COM7 and COM8 in the Draft East Cambridgeshire Local Plan (Pre-submission version as amended June 2014).

11.0 **APPENDICES**

- 11.1 Appendix 1 Letter from Agent providing further information about hours of use.

<u>Background Documents</u>	<u>Location(s)</u>	<u>Contact Officer(s)</u>
Application File/s/Previous History file/s/ including reference no.13/01147/FUL	Room No. 011 The Grange Ely	Sue Wheatley Planning Manager 01353 665555 sue.wheatley@eastcambs.gov.uk

[REDACTED]

Address, Contact Telephone No. and Email Address Redacted

Principal Development Management Officer
East Cambridgeshire District Council
The Grange
Nutholt Lane
Ely
Cambridgeshire CB7 4EE

20th May 2014

Dear Sirs.

Change of use of office and storage unit to community centre. 14/00572/FUL

In response to our meeting with Sue Wheatley at the Council offices on Tuesday 21st October 2014 we are able to confirm the numbers of people likely to make use of the proposed community centres at various times of the week. It can be seen from the listings below that the only time that there will be large numbers of visitors will be for the Friday prayer sessions between 12.30 and 14.30 and for the Eid festivals to be held twice a year.

Prayer, in the ritual sense, is an obligation of the Muslim faith, to be performed five times a day by the adults in the community.

However it is accepted that it is difficult for Muslims to pray in congregation at every prayer session of every day because of their work and other commitments and consequently it is expected that these prayers will be attended by a maximum of 10 adult males at each session.

Nevertheless, it is obligatory for Muslims to take part in communal worship in at least one of the 35 prayer sessions of the week (5 x 7 days) and the noon prayer of Friday has traditionally been designated as the time and day for the congregational prayer. The Friday prayer replaces the midday (Zuhr) prayer of the day. These communal prayers have a higher compliance of worshippers, as compared to the daily non-communal ritual prayers and it estimated (allowing for any expansion the community) that a maximum of 60 males and 10 females could attend between 12.30 and 14.30 on Fridays during the anticipated lifetime of the facility.

On Mondays, Wednesdays and Saturdays it is planned to hold classes after school when 15 children and 3 adult tutors will be present from 17.30 until 19.30. The children will be driven to the centre and collected when classes finish. Adult males will hold their meeting on Tuesday between 17.00 and 19.00 when up to 15 people are expected and, similarly, approximately 12 adult females will meet between 17.00 and 19.00 on a Thursday evening.

During the month of Ramadan (the ninth month of the Islamic calendar), Muslims enter into a period of discipline and worship which involves fasting, engaging in increased prayer and charity and practicing greater self-discipline. At this time Muslims attend for additional prayers in the evening normally between 22.00 and midnight but, contrary to popular belief, the prayers are not compulsory and the timings are flexible. The local community expects an attendance of 20 to 25 adults every evening during Ramadan.

On two days a year, Muslims will celebrate the festival of Eid which will attract a maximum of 60 men, women and children between the hours of 9.00 and 11.00. For each event that attracts this number of people the community will utilise car sharing and pick-ups from designated locations to reduce the amount of traffic flow to the facility.

Ely Muslim Community Centre
(Attendance numbers)

	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Activity							
Dawn prayers *	10 Adults	10 Adults	10 Adults	10 Adults	10 Adults	10 Adults	10 Adults
Midday prayers	10 Adults	10 Adults	10 Adults	10 Adults	70 Adults	10 Adults	10 Adults
Afternoon prayers	10 Adults	10 Adults	10 Adults	10 Adults	10 Adults	10 Adults	10 Adults
Sunset prayers	10 Adults	10 Adults	10 Adults	10 Adults	10 Adults	10 Adults	10 Adults
Children's classes 17.30 - 19.30	15 Children 3 Adults		15 Children 3 Adults			15 Children 3 Adults	
Men's' classes 17.00-19.00		12 Adults					
Ladies' classes 17.00-19.00				12 Adults			
Evening prayers **	10 Adults	10 Adults	10 Adults	10 Adults	10 Adults	10 Adults	10 Adults

* At the Eid festival held on two days a year, numbers of up to 60 adult and children are anticipated at the Centre between 09.00 and 11.00.

** During the month of Ramadan, numbers for evening prayers will increase to 25 adults.

We consider that the proposed on-site parking provisions are adequate for the expected traffic volumes at all times including Friday prayers where the increase in visitors will be strictly managed to allow for the larger numbers and there will be no requirement for on-street parking on the public highway.

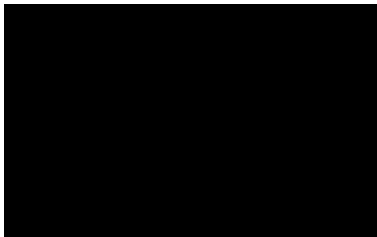
The current unit leased by the applicant is the base for a mail order company which is serviced by the existing loading bays. The applicant is part of the Muslim community who will use the centre so there will be no loss of existing parking facilities and there will be no requirement for on-street parking on the public highway.

The number of vehicles needed to service the premises is negligible and will not result in the parking or manoeuvring of vehicles on the adjoining public highway. The current access road appears to be adequate for the current users and clearly is capable of the increased traffic generated by the proposal. There are no members of the community living in Chettisham and it is not envisaged that any trips will be made to the Community Centre either on foot or by bicycle from the surrounding towns and villages.

The access gates were erected at the same time as the construction of the Holloseal building and are never locked to enable day and night access to the business park. The current owner of the application site holds a key to the gates and has a legal right to access the site and the building, these rights will pass to the applicant on completion of the purchase of the unit.

The applicant believes that the foregoing information is sufficient to satisfy the concerns of the Highways Management and invites the Planning Committee to approve the application subject to conditions which can be enforceable as discussed with the case officer.

Yours faithfully.



Signature Redacted

John Goodge