

Application Number	09/0392/FUL	Agenda Item	10.2
Date Received	5th May 2009	Officer	Miss Sophie Pain
Target Date	30th June 2009		
Ward	Cherry Hinton		
Site	Unit 1 11 High Street Cherry Hinton Cambridge Cambridgeshire CB1 9HY		
Proposal	Change of use from vacant A2 (Betting Office) to A3 (Restaurant) use.		
Applicant	59- 60 The Stow Harlow Essex CM20 3AH		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is located within the Cherry Hinton High Street Local Centre as designated in the Cambridge Local Plan (2006). The property is situated in the south of the Local Centre on the corner of the High Street and Mill End Road.
- 1.2 The premises is of a modern build and connected to No.11 High Street, which operates as an Indian Supermarket. At first floor level across the width of these properties are residential flats, which are accessed independently of the units below.
- 1.3 The property has been vacant since June 2008. Despite marketing the premises both locally and nationally, there has been no interest from any Class A1 (Shops) or A2 (Financial and Professional Services) operators, but there has been regular interest from Class A3 (Restaurants/Café) operators.
- 1.4 Outside the property is a lay-by, which has the capacity to accommodate approximately three cars. However, this lay-by has a 30 minute parking restriction until 18:00 when it is lifted and which coincides with what is suggested would be the likely opening time of the proposed restaurant.
- 1.5 There are two listed building which are within 70 metres of the property. One is No.21 Mill End Road and the other is a Public House at 20-22 Mill End Road.

- 1.6 The local centre has a variety of uses within it and appears to be a vibrant well used local centre, which provides a range of amenities to the local community. The surrounding area has a high concentration of residential properties.
- 1.7 The site does not fall within a Conservation Area nor does it fall within a controlled parking zone.

2.0 THE PROPOSAL

- 2.1 The applicant seeks permission to change the use of the proposed premises from a vacant betting shop, Class A2 use to a restaurant, Class A3 use. There is no Class A5 (hot food takeaway) element currently associated with this proposal.
- 2.2 The application is accompanied by the following supporting information:
1. Planning Statement
 2. Access Statement
 3. Floorplans

3.0 SITE HISTORY

Reference	Description	Outcome
06/0077/FUL	Installation of 1.0m Diameter Satellite Antenna on flat roof mounting.	A/C
05/0788/FUL	Change of use from A1 (retail) to A2 (financial services) for use as a licensed betting office.	A/C

4.0 PUBLICITY

- 4.1 Advertisement: No
 Adjoining Owners: Yes
 Site Notice Displayed: No

5.0 POLICY

5.1 Central Government Advice

- 5.2 **PPS1 Delivering Sustainable Development (2005):** Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for development to be managed effectively. This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.
- 5.3 **PPS6 Planning for Town Centres (2005):** States that the key objective for town centres is to promote their vitality and viability by planning for growth and development of existing centres, promoting and enhancing existing centres by focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all. The statement seeks to enhance consumer choice to meet community needs and ensure new development is well served by a choice of means of transport.
- 5.4 **PPG13 Transport (2001):** This guidance seeks three main objectives: to promote more sustainable transport choices, to promote accessibility to jobs, shopping, leisure facilities and services, by public transport, walking and cycling, and to reduce the need to travel, especially by car. Paragraph 28 advises that new development should help to create places that connect with each other in a sustainable manner and provide the right conditions to encourage walking, cycling and the use of public transport.
- 5.5 **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
- 5.6 **East of England Plan 2008**
- SS1 Achieving sustainable development
 - SS6 City and town centres
 - T9 Walking, cycling and other non-motorised transport
 - T14 Parking

ENV7 Quality in the built environment

5.7 Cambridge Local Plan 2006

- 3/1 Sustainable development
- 3/4 Responding to context
- 3/7 Creating successful places
- 4/13 Pollution and amenity
- 6/10 Food and drink outlets
- 8/2 Transport impact
- 8/6 Cycle parking
- 8/10 Off-street car parking

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 No objection; the applicant has provided statistics to prove that the proposed change of use is unlikely to generate more than 50 additional trips over and above the base line and therefore no extra payments to the East Area Corridor Transport Plan will be required.

Head of Environmental Services

- 6.2 No objection: due to hot food being prepared on the premises this is likely to generate odour which will need to be controlled via a ventilation system and this system will also need to be controlled for noise outbreak to protect the amenity of nearby residential properties. A number of conditions have been recommended.

Disability Consultative Panel (Meeting of)

- 6.3 The disabled toilet is too small and one large unisex toilet would be more suitable for disabled use. The bar counter requires a dropped level and it has been requested that tables are not screwed to the floor.

7.0 REPRESENTATIONS

- 7.1 The owners/occupiers of the following addresses have made representations:

11B High Street, Cherry Hinton
38 High Street, Cherry Hinton
40 High Street, Cherry Hinton
5 Mill End Road

7.2 The representations can be summarised as follows:

The building is not built to appropriate health and safety and fire regulations.

Concern about the parking implications and further congestion on a heavily used thoroughfare.

There are already a large number of food outlets in the village.

Should the application be granted then the permission should be granted so that no take-away or food delivery business can be operated from the premises.

7.3 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

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. Disabled access
4. Residential amenity
5. Refuse arrangements
6. Highway safety
7. Car and cycle parking
8. Third party representations
9. Planning Obligation Strategy

Principle of Development

8.2 Policy 6/7 of the Cambridge Local Plan (2006) states that additional development within classes A1, A2, A3, A4 and A5 will be permitted providing that it will serve the local community and is of an appropriate nature and scale to the centre.

- 8.3 This local centre is in the centre of a predominantly residential area and provides a diverse range of amenities which serve a localised catchment area, where customers may well arrive by foot and in doing so would support the evening economy.
- 8.4 The latter part of this policy refers to change of uses from A1 to A2, A3, A4 or A5. While this local centre does have in excess of 60% of units in Class A1 (shops) usage, which this policy strives to sustain, as the property is already classified as a Class A2 use, this part of the policy is not applicable to this application.
- 8.5 Both PPS 6 and policy 6/10 of the Cambridge Local Plan (2006) emphasise the need to consider the vitality and viability of existing centres when determining an application. Policy 6/10 states that developments for Use Classes A3, A4 and A5 will be permitted if:
- a. the proposal will not give rise to unacceptable environmental problems or nuisance and the individual and cumulative impact of the development is considered acceptable;*
 - b. it is in an existing centre or is part of a mixed use area in an urban extension or the Station Area.*
- 8.6 I appreciate that there are a number of other food and drink establishments in this local centre, but I am of the opinion that the cumulative impact of these uses is not detrimental to the local area and that there is enough variety within the centre to support this proposal. The other food and drink establishments consist of two take-aways, a Chinese and a Fish and Chip shop in the north of this local centre, two public houses and an Indian restaurant. I appreciate that residents are concerned about the number of food and drink establishments within the area, however, there is only one other restaurant (as such) in the centre and provided that the proposed use is limited so that no delivery business operates from the premises, I believe that the proposal will not result in an unacceptable cumulative impact upon the area.
- 8.7 The applicant proposes to open from 6 pm until 10 pm Sunday – Thursday and 6 pm until midnight, Friday and Saturday. My opinion is that these hours will not result in a significant additional noise disturbance to the local area, as there are

already three public houses, (one outside the local centre) in close proximity to the site, all of which close at similar times. Additionally, there is no external seating proposed and customers will be eating within the premises so there will not be instances when people congregate outside the premises which would result in a situation where residents of nearby accommodation would be more likely to be disturbed.

- 8.8 In my opinion, the principle of the development is acceptable and in accordance with policies 6/7 and 6/10 of the Cambridge Local Plan (2006).

Context of site, design and external spaces

- 8.9 The locality is predominantly characterized by residential dwellings with other uses concentrated within this local centre, which is dedicated to a mixed use of Class A1, A2, A3, A4 and A5 uses with residential accommodation above.
- 8.10 Policy 3/4 is relevant in that all new development is expected to respond to the local context and draw inspiration upon key characteristics of its surroundings. The policy criteria are there to ensure a high quality development can be achieved. In terms of the proposed development, the application seeks to provide an A3 use at the front of the property, which would reflect the mixed uses along the High Street frontage, while still retaining the residential accommodation above.
- 8.11 The site is well connected to the City and is served by two frequent bus services. No additional floor space is proposed as part of this application. Against this background, I am of the view that the proposal would not have a detrimental impact on the visual amenity of the area (as the mass and scale of the building would remain as existing) and that the use is in an appropriate location within the Local Centre where it can add something to the area, which the currently vacant premises does not.
- 8.12 In my opinion the proposal is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/4 and 3/7.

Disabled access

- 8.13 The proposal looks to provide a level threshold into the property, which would make it acceptable. However, the facilities provided within the premises are not acceptable as the disabled toilet is too small; this can be addressed through Building Regulations Part M and an Informative.
- 8.14 In my opinion the proposal is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policy 3/7.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.15 A significant proportion of the properties within this local centre consist of a unit at ground floor level and then residential accommodation on the floor above. There are no proposals to alter the external appearance of the property or to site tables and chairs outside the premises, which might lead to a detrimental impact upon the amenity of neighbouring occupiers.
- 8.16 In terms of noise and disturbance, I do not consider that this level of development will give rise to an unacceptable level of noise and disturbance. This is because the restaurant will be open during limited hours which can be conditioned to limit any disturbance experienced by residential occupiers living above. Unlike some other uses within the local centre, customers will be consuming food and drink on the premises, which will limit the likelihood of people waiting/gathering outside the premises where they might create noise.
- 8.17 With regard to noise created in the property and the effect this could potentially have on residents in the flats above, Environmental Health Officers have requested a condition for an appropriate scheme that provides insulation of the building to minimize the level of noise emanating from the building to adjoining properties.
- 8.18 The application does not provide information as to the ventilation and extraction of fumes, but officers believe that an effective system can be installed which will ensure that residents are not affected by the smells which may be

associated with such a use. The applicants have indicated that they are willing for this to be addressed by a condition, but should the proposals require greater equipment than is currently expected, a further permission may be required.

- 8.19 Some residents have raised concerns that the proposal will result in further traffic implications for the area, which already suffers from congestion. The lay-by outside the property and nearby shops is limited in size and can only accommodate approximately 3 cars. While I appreciate that short-term parking does take place in the area, I do not believe that this proposal will exacerbate this unduly, as customers will be eating at the premises which will generate a different parking pattern than a take-away use. As a result customers will be more likely to look to longer term parking which is available in public car parks in Colville Road or Chelwood Road.
- 8.20 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/4, 3/7 and 4/13.

Amenity for future occupiers of the site

- 8.21 I do not believe that there will be any detrimental impact upon the amenity of future occupiers as appropriate conditions will be included to ensure that noise and ventilation are addressed to the appropriate standard. Additionally, the opening hours of the property will not be extended which could lead to problems with regard to the occupiers amenity.

Refuse Arrangements

- 8.22 No details have been provided for the storage of waste but I believe that there is adequate space to the rear of the property to accommodate the necessary storage. A requirement that provision is made can be addressed through a condition.
- 8.23 In my opinion the proposal is compliant with East of England Plan (2008) policy WM6.

Highway Safety

- 8.24 The Highways Authority do not believe that the proposed use will result in such an increase in traffic that it will pose a danger to highway safety.
- 8.25 In my opinion the proposal is compliant with East of England Plan (2008) policy T1 and Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.26 The premises does not have any car parking associated with it and the applicant does not propose to provide any due to the constrained nature of the site. However, due to the presence of two public car parks in the vicinity, both of which are no more than a 5 minute walk away and its location within a local centre which is well served by public transport, I do not believe that it is necessary for the applicant to provide car parking at the level sought in the Car Parking Standards within the Cambridge Local Plan (2006).
- 8.27 The premises does not have any cycle parking spaces associated with it and the applicant does not propose to provide any. There is limited space to the front of the property due to the presence of a letter box and a narrow shop frontage. While there may be sufficient space to the rear of the property the stands would not be visible and as a result are not likely to be used.
- 8.28 In my opinion the proposal is compliant with East of England Plan (2008) policies T9 and T14, and Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.29 I believe that I have addressed the majority of concerns raised by objectors within the report. The standard to which the property is built with regard to health and safety and fire regulations, is not a planning consideration or a matter to which material weight can be attached. Instead this would be addressed by a building surveyor and building regulations will have to be met.

Planning Obligation Strategy

8.30 No planning obligation is required.

9.0 RECOMMENDATION: APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except with the prior written agreement of the local planning authority in writing no construction work or demolition shall be carried out or plant operated other than between the following hours: 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2006 policy 4/13)

3. Except with the prior written agreement of the local planning authority in writing no deliveries shall be made other than between the following hours: 0800 hours to 2000 hours Monday to Friday, 0800 hours to 1800 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2006 policy 4/13)

4. Before the development/use hereby permitted is commenced, details of equipment for the purpose of extraction and/or filtration of fumes and or odours shall be submitted to and approved in writing by the local planning authority. The approved extraction/filtration scheme shall be installed before the use hereby permitted is commenced.

Reason: To protect the amenity of nearby properties. (Cambridge Local Plan 2006 policy 4/13)

5. Before the development/use hereby permitted is commenced, a scheme for the insulation of the building(s) and/or plant in order to minimise the level of noise emanating from the said building(s) and/or plant shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented before the use hereby permitted is commenced.

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2006 policy 4/13)

6. Prior to the commencement of the use hereby permitted, the on-site storage facilities for trade waste, including waste for recycling and the arrangements for the disposal of waste detailed on the approved plans shall be provided. The approved arrangements shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity. (East of England Plan 2008 policy ENV7 and in accordance with policies 4/13 and 6/10 of the Cambridge Local Plan (2006))

INFORMATIVE: The applicant/agent should contact the Food and Occupational Safety Team for food advice and registration at Environmental Services, Mandela House, Regent Street, Cambridge 01223 457890

INFORMATIVE: The applicant/agent should contact the Environmental Services, Licensing Team at Mandela House, 4 Regent Street, Cambridge 01223 457879 requiring licensing requirements.

INFORMATIVE: To satisfy conditions relating to fume filtration/extraction, it is recommended that an effective and appropriate odour/fume extract system be installed to ensure an odour nuisance is not caused to the occupiers of neighbouring premises. The system will need to deal with the two main phases of contaminants within cooking emissions: the particulate (grease, small food and smoke particles) and gaseous (odour vapour/volatile organic compounds).

It is recommended that flue terminals do not impede the final discharge termination point.

The flue / duct height should terminate at least one metre above the roof ridge level to which it is attached and a minimum operating efflux velocity of 10 to 15 metres a second should be achieved. However, the effectiveness of this system is dependent on buildings nearby. If buildings nearby are likely to have an effect on the dispersion and dilution of odour, the flue height should be at least one metre above the ridge of those buildings.

INFORMATIVE: To satisfy standard conditions relating to Noise Insulation, the noise level from all plant and equipment, vents etc (collectively) associated with this application should not raise the existing background level (L90) by more than 3 dB(A) both during the day (0700 to 2300 hrs over any one hour period) and night time (2300 to 0700 hrs over any one 5 minute period), at the boundary of the premises subject to this application and having regard to noise sensitive premises. Tonal/impulsive noise frequencies should be eliminated or at least considered in any assessment and should carry an additional 5 dB(A) correction. This is to guard against any creeping background noise in the area and prevent unreasonable noise disturbance to other premises.

It is recommended that the agent/applicant submits a noise prediction survey/report in accordance with the principles of BS4142: 1997 'Method for rating industrial noise affecting mixed residential and industrial areas' or similar. Noise levels shall be predicted at the boundary having regard to neighbouring residential premises.

Such a survey / report should include: a large scale plan of the site in relation to neighbouring premises; noise sources and measurement / prediction points marked on plan; a list of noise sources; details of proposed noise sources / type of plant such as: number, location, sound power levels, noise frequency spectrums, noise directionality of plant, noise levels from duct intake or discharge points; details of noise mitigation measures (attenuation details of any intended enclosures, silencers or barriers); description of full noise calculation procedures; noise levels at a representative sample of noise sensitive locations and hours of operation.

Any report shall include raw measurement data so that conclusions may be thoroughly evaluated and calculations checked.

Reasons for Approval

1. This development has been approved, conditionally, because subject to those requirements it is considered to generally conform to the Development Plan, particularly the following policies:

East of England plan 2008: SS1, SS6, T9, T14 and ENV7

Cambridge Local Plan (2006): 3/1, 3/4, 3/7, 4/13, 6/10, 8/2, 8/6 and 8/10

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

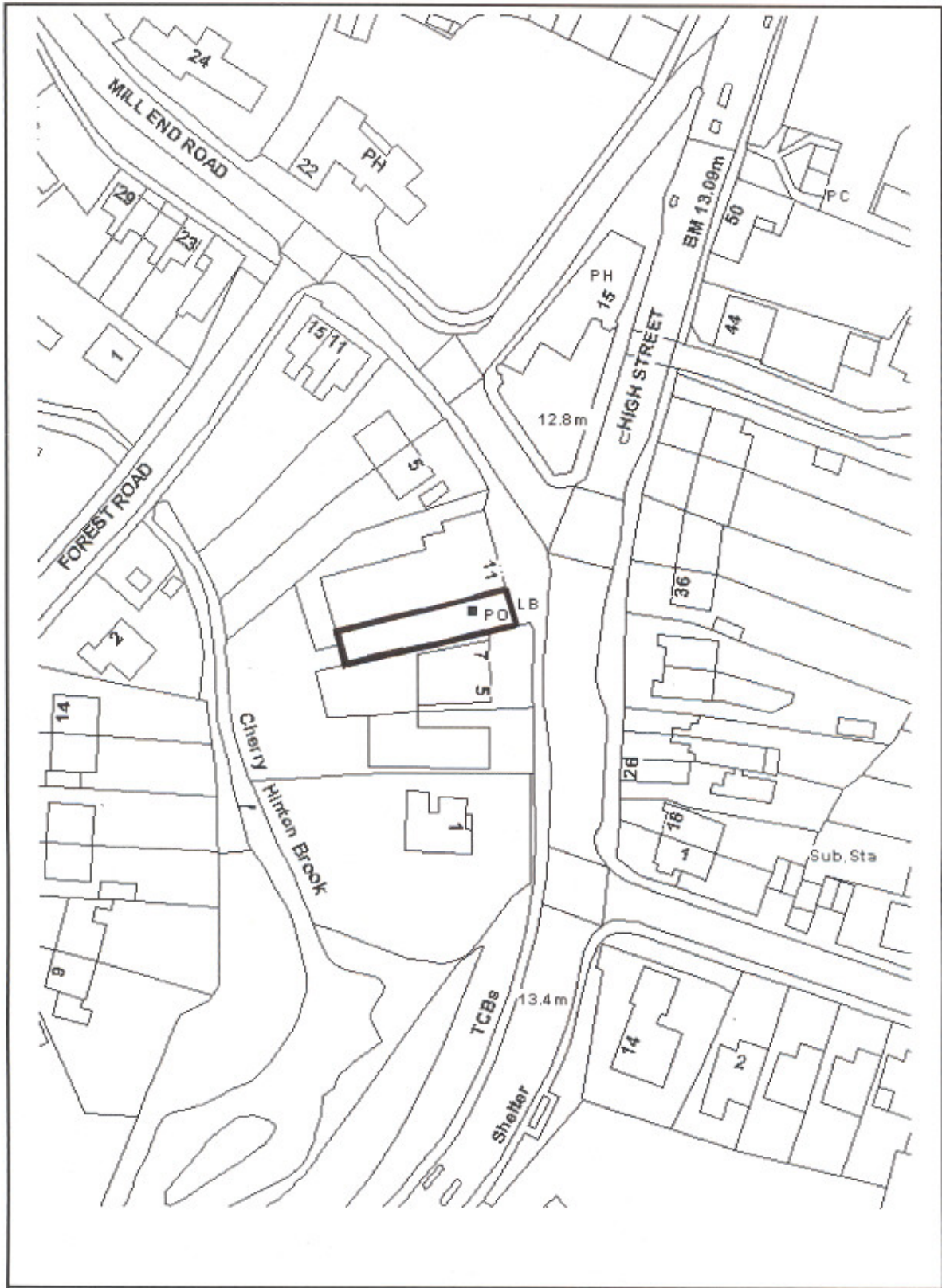
These reasons for approval can be a summary of the reasons for grant of planning permission only. For further detail on the decision please see the officer report by visiting the Council Planning Department.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected by contacting John Summers (Ext.7103) in the Planning Department.



09/0392/FUL

Unit 1 11 High Street Cherry Hinton Cambridge