

Application Number	09/1182/FUL	Agenda Item	
Date Received	5th January 2010	Officer	Mr Amit Patel
Target Date	2nd March 2010		
Ward	Trumpington		
Site	40 Hills Road Cambridge Cambridgeshire CB2 1LA		
Proposal	Change of use to a coffee shop (A3)		
Applicant	C/O Walsingham Planning Bourne House Cores End Road Bourne End Bucks SL8 5AR		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is a commercial unit currently used as a coffee shop, located on the west side of Hills Road within the block between Coronation Street and Russell Street. There are other shops and restaurants in this part of Hills Road on both sides of the street, which is within the Hills Road Local Centre.
- 1.2 The site is adjacent to extended part of the City of Cambridge Conservation Area No.1. The site falls within controlled parking zone.

2.0 THE PROPOSAL

- 2.1 The applicant is seeking permission for a change of use from A1 to a mixed A1/A3.
- 2.2 The unit is currently being run as an A3 unit and this application is retrospective and wants to formalise the use.
- 2.3 The application is accompanied by the following supporting information:
1. Planning Statement
 2. Appeal Decisions

3.0 SITE HISTORY

Reference	Description	Outcome
C/67/0276	Construction of new shopfront	A/C
C/00/0069	Alterations and fill-in extension to rear of shop.	A/C
05/0511/FUL	3 Storey building incorporating 8No. 1 bed flats on first and second floor and retail units on ground floor.	W/D
05/1005/FUL	Erection of 3 storey building incorporating ground floor retail and 6 one bed starter homes and 1 studio on the 1st and 2nd floors (following demolition of existing buildings).	W/D
06/0028/FUL	Erection of three storey building incorporating ground floor retail and 6 one bed starter homes and one studio on the first and second floors (following demolition of existing buildings).	W/D
06/0047/FUL	Alterations to shopfront.	A/C
07/1104/COU	Change of use from Class A1 to Class A3.	REF

3.1 The decision notice for the previously refused application 07/1104/FUL is attached to this report as Appendix 1.

4.0 PUBLICITY

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

5.0 POLICY

5.1 Central Government Advice

5.2 **Planning Policy Statement 1: 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 Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009):

sets out the government's planning policies for economic development, which includes development in the B Use Classes (offices, industry and storage), public and community uses and main town centre uses. The policy guidance sets out plan-making policies and development management policies. The plan-making policies relate to using evidence to plan positively, planning for sustainable economic growth, planning for centres, planning for consumer choice and promoting competitive town centres, site selection and land assembly and car parking. The development management policies address the determination of planning applications, supporting evidence for planning applications, a sequential test and impact assessment for applications for town centre uses that are not in a centre and not in accordance with the Development Plan and their consideration, car parking and planning conditions.

5.4 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.

5.5 East of England Plan 2008

SS1 Achieving sustainable development
SS6 City and town centres
ENV7 Quality in the built environment

5.6 Cambridge Local Plan 2006

3/1 Sustainable development
3/4 Responding to context
3/7 Creating successful places
4/13 Pollution and Amenity
6/7 District and Local Centres
6/10 Food and drink outlets

5.7 Supplementary Planning Documents

Cambridge City Council (May 2007) – Sustainable Design and Construction: Sets out essential and recommended design considerations of relevance to sustainable design and construction. Applicants for major developments are required to submit a sustainability checklist along with a corresponding sustainability statement that should set out information indicated in the checklist. Essential design considerations relate directly to specific policies in the Cambridge Local Plan 2006. Recommended considerations are ones that the council would like to see in major developments. Essential design considerations are urban design, transport, movement and accessibility, sustainable drainage (urban extensions), energy, recycling and waste facilities, biodiversity and pollution. Recommended design considerations are climate change adaptation, water, materials and construction waste and historic environment.

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 No Objection: Objection: Comments are awaited. These will be reported on the amendment sheet or verbally at the meeting.

Head of Environmental Services

- 6.2 Objection: On food and safety grounds, however these ground are not material in terms of planning and therefore a recommendation for approval with conditions.

Policy

- 6.3 The application will need to be assessed against policy 6/7 District and Local Centres. The applicant state that there are 72% A1 units existing however on site visit this number was found to be 66% and still acceptable in accordance with policy.

Access Officer

- 6.4 Counter needs to be dropped in height and a hearing loop fitted.
- 6.5 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

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

- 98 Balsham Road
- 36-38 Hills Road

7.2 The representations can be summarised as follows:

- No parking
- Concerns on disabled parking
- Concentration of A3 uses
- The description of what is proposed is inaccurate
- The predominant use will be A3.

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

Principle of Development

- 8.2 Policy 6/7 of the Local Plan is directly relevant. The Policy states that planning applications for change of use from A1 to A2, A3, A4 or A5 will only be permitted in District and Local Centres provided that the percentage of A1 uses does not fall below 60%. From my calculations, the change of use into a A3 use would not result in the overall A1 uses falling below 60% in this District Centre.
- 8.3 The percentage calculations from recent surveys show that, there the total number of units in the District Centre is 24 and 16 of them will remain in A1 use if this application is granted. This will amount to 66% of the total, above the 60% threshold set out in policy 6/7.
- 8.4 The total number of A3 uses within this local centre is 3. Although one is on the east side of Hills Road the other 2 are next to one another on the west side. I feel that there are different types of A3 uses as one being a Indian restaurant and the other a café. They function differently and opening times will be different and therefore, in my opinion there would be no cumulative impact and is acceptable in accordance with Cambridge Local Plan (2006) policy 6/10.
- 8.5 In my opinion, the principle of the development is acceptable and in accordance with policies 6/7 and 6/10.

Context of site, design and external spaces

- 8.6 The unit is located towards the City centre end of Hills Road, within a cluster of units that make up the Hills Road local centre as defined on the Cambridge Proposals Map.
- 8.7 There are a mixture of units within this local centre and the addition of this unit will sit in well with the context of the area. The general arrangement is for commercial units on the ground floor and offices above, however there are some properties that have residential above.
- 8.8 The existing unit sits hard up against the public highway and this is no different to the arrangement of the other units along this stretch of Hills Road. Although the neighbouring unit at 38 is set back this is an exception to the rule. The plans do not show

any external elevational changes to the shop front and this will be required separately.

- 8.9 In my opinion the proposal is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policy 3/4.

Disabled access

- 8.10 The Access Officer has asked for the counter to have a dropped section and a hearing loop, which are outside the control of planning, but the access into the site is level and this has not being proposed to change. The Access officer has raised no concern as to nearby parking arrangement and as mentioned in my assessment in the Car and Cycle parking section 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

- 8.11 The proposal is within a local centre and with similar units in similar uses this vicinity and therefore the additional impact will needed to be assessed.
- 8.12 The plans do not show any extract or flues that are to be installed and therefore this will in my opinion be the more contentious part of the application, this will need to be considered under a fresh application.
- 8.13 The current (unauthorized) use is already in an A3 class and the impact of this on the neighbouring occupiers will be minimal as the proposed use will be within the same Use Class. No complaint has yet been received.
- 8.14 Hills Road is a busy thoroughfare with heavy traffic load during peak hours as well as more than normal movements during off peak hours and so the additional impact over and above the previous use is not considered to be detrimental in terms of noise and disturbance, but a condition to control the delivery hours and construction hours should be imposed so that the impact of this does not elevate the increase in noise and

disturbance to the residential and commercial adjoining properties.

- 8.15 Subject to conditions, 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.

Refuse Arrangements

- 8.16 The plans do not show any storage space for waste, which is a concern as storage on the street is not acceptable. However, I believe that there is room on site, which the current occupiers use, but this needs further clarification. I impose a condition to require further information on this.
- 8.17 Subject to conditions, in my opinion the proposal is compliant with East of England Plan (2008) policy WM6 and Cambridge Local Plan (2006) policy 4/13.

Highway Safety

- 8.18 The local highway authority have made no adverse comments with regard to this and I concur with their view.
- 8.19 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

- 8.20 There has been comment on the fact there is no parking available to the front of the site. I feel that this is not an unusual scenario along this side of Hills Road and that there are other units that have a similar arrangement. There is parking in the side streets off Hills Road and this is a very accessible location with good public transport and pedestrian accessibility.
- 8.21 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

8.22 The issues raised by objectors have been discussed within the main report.

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 agreement of the local planning authority in writing, there should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0700 hrs and 1900 hrs on Monday - Saturday and there should be no collections or deliveries on Sundays or Bank and public holidays.

Reason: Due to the proximity of residential properties to this premises and that extensive refurbishment will be required, the above conditions are recommended to protect the amenity of these residential properties throughout the redevelopment in accordance with policies 4/13 and 6/10 of the Cambridge Local Plan (2006)

3. 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)

4. Prior to the commencement of development, full details of the on-site storage facilities for trade waste, including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheelie bins, paladins or any other means of storage will be stationed and the arrangements for the disposal of waste. The approved facilities shall be provided prior to the commencement of the use hereby permitted and 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: As the premises is intended to be run as a business The applicant is reminded of their duty under the Construction (Design and Management) Regulations 2007 to ensure that the that all significant risks related to the design and operation of the premises are minimised.

INFORMATIVE: As the premises is intended to be run as a food business the applicant is reminded that under the Food Safety Act 1990 (as amended) the premises will need to registered with Cambridge City Council. In order to avoid additional costs it is recommended that the applicant ensure that the kitchen, food preparation and foods storage areas comply with food hygiene legislation, before construction starts. Contact the Food and Occupational Safety (FOS) Team of Environmental Health at Cambridge City Council on telephone number (01223) 457890 for further information.

INFORMATIVE: If the premises are intended to provide alcohol or regulated entertainment it will require a Premise Licence under the Licensing Act 2003. The applicant is advised to contact The Licensing Team of Environmental Health at Cambridge City Council on telephone number (01223) 457899 for further information.

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 and ENV7

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

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.

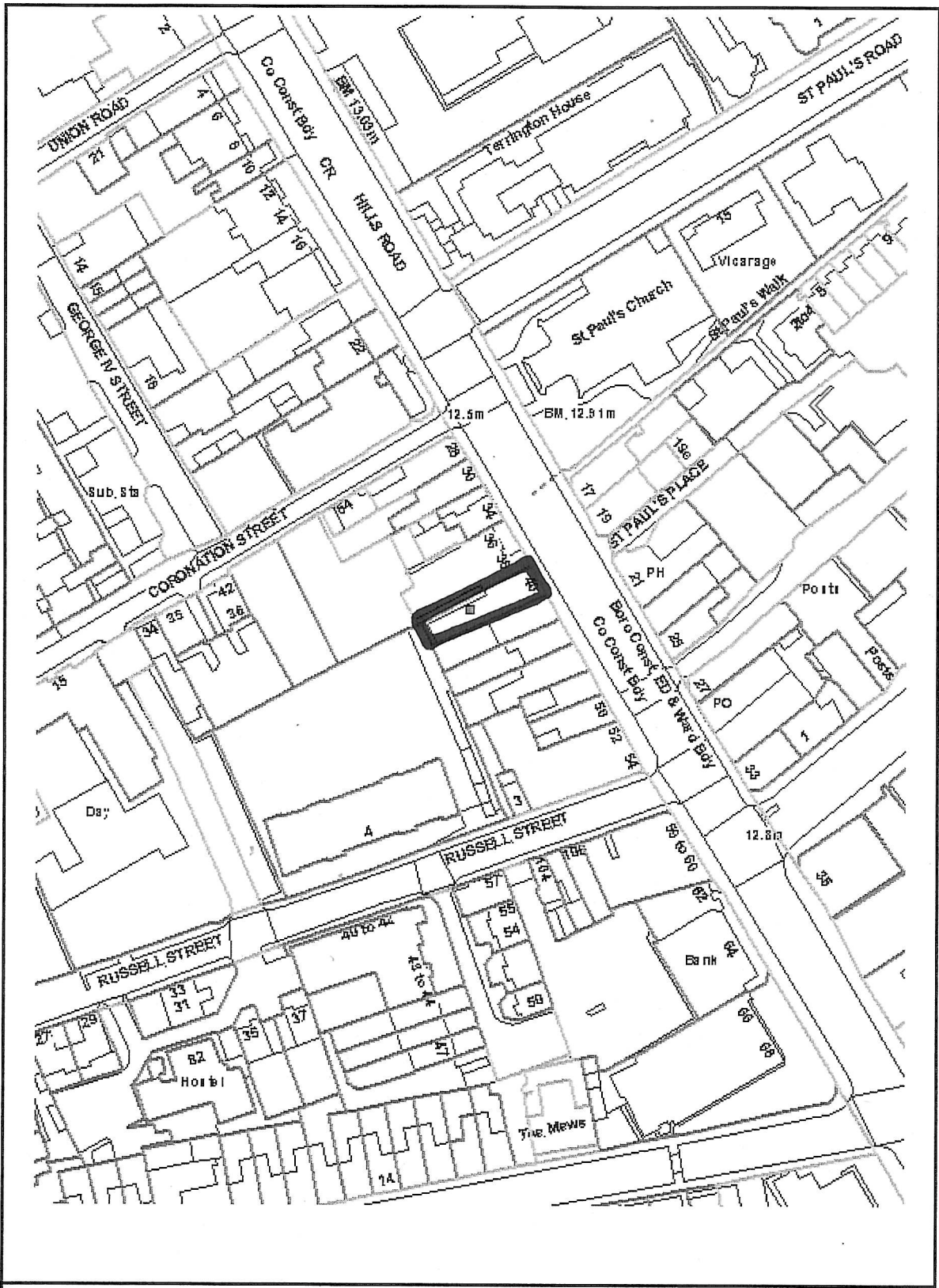
These reasons for approval can be a summary of the reasons for grant of planning permission only. For further detail on the decision please see the officer report by visiting the Council Planning Department.

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.



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40 Hills Road Cambridge Cambridgeshire CB2 1LA