



Public Document Pack

Cambridge City Council

SOUTH AREA COMMITTEE

SUPPLEMENTARY AGENDA

9b 10-0742-FUL - 2 Drayton Road (*Pages 1 - 20*)

9c 10-1148-FUL - 11 High Street, Cherry Hinton (*Pages 21 - 34*)

Information for the public

Public attendance

You are welcome to attend this meeting as an observer, although it will be necessary to ask you to leave the room during the discussion of matters which are described as confidential.

Public Speaking

You can ask questions on an issue included on either agenda above, or on an issue which is within this committee's powers. Questions can only be asked during the slot on the agenda for this at the beginning of the meeting, not later on when an issue is under discussion by the committee.

If you wish to ask a question related to an agenda item contact the committee officer (listed above under 'contact') **before the meeting starts**. If you wish to ask a question on a matter not included on this agenda, please contact the committee officer by 10.00am the working day before the meeting. Further details concerning the right to speak at committee can be obtained from the committee section.

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Application Number	10/0742/FUL	Agenda Item	
Date Received	24th August 2010	Officer	Mr James D'Arcy
Target Date	19th October 2010		
Ward	Cherry Hinton		
Site	2 Drayton Road Cambridge Cambridgeshire CB1 9EX		
Proposal	Erection of 2 flats and bin storage and parking provision off road.		
Applicant	12 Angus Close Cambridge Cambridgeshire CB1 2AT		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is rectangular parcel of land adjacent to and immediately to the north of number 2 Drayton Road, inside the south east corner of the junction with Leete Road. It currently forms the garden area serving 2 Drayton Road. The area immediately surrounding the application site is wholly residential, and consists primarily of two-storey terraced houses of a consistent style and design.
- 1.2 2 Drayton Road is the north end of a terrace, where all other houses front Leete Road. At the southern end of the terrace, at the corner of Malletts Road, the terrace has been extended creating 1a & 1b Malletts Road in a manner not dissimilar to that proposed on the application site.
- 1.3 There are a number of developments in the local area that have utilised the large corner plots which occurred regularly within this area, and many of these have involved the creation of an additional dwelling or pair of flats as an extension to the original terrace of houses.

1.4 The site is not within the controlled parking zone or a Conservation Area. No protected trees will be impacted by the development proposed, nor will the application impact any listed buildings.

2.0 THE PROPOSAL

2.1 The application seeks outline planning permission for the creation of 2 two-bedroom flats at the northern end of the terrace. The application also seeks approval for Access; Layout; and Scale. Appearance and Landscaping are reserved.

2.2 No details of design are included within the application, although there is an indicative massing drawing. The layout plans that form part of the application show that the footprint will largely echo the layout of the extension to the terrace found at the southern end on the corner of Malletts Road.

2.3 The application includes indicative landscaping, and the provision of cycle and bin storage to the Drayton Road frontage. It is proposed that 4 off-street vehicular parking spaces will be provided of Drayton Road including a pair of tandem parking spaces.

2.4 The application is accompanied by a Design and Access Statement and indicative massing and landscaping plans.

3.0 SITE HISTORY

3.1 There is no site history relevant to this application.

4.0 PUBLICITY

4.1 Advertisement:	No
Adjoining Owners:	Yes
Site Notice Displayed:	No
Public Meeting/Exhibition (meeting of):	No
DC Forum (meeting of):	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 **Planning Policy Statement 3 (PPS 3) Housing :**

Sets out to deliver housing which is: of high quality and is well designed; that provides a mix of housing, both market and affordable, particularly in terms of tenure and price; supports a wide variety of households in all areas; sufficient in quantity taking into account need and demand and which improves choice; sustainable in terms of location and which offers a good range of community facilities with good access to jobs, services and infrastructure; efficient and effective in the use of land, including the re-use of previously developed land, where appropriate. The statement promotes housing policies that are based on Strategic Housing Market Assessments that should inform the affordable housing % target, including the size and type of affordable housing required, and the likely profile of household types requiring market housing, including families with children, single persons and couples. The guidance states that LPA's may wish to set out a range of densities across the plan area rather than one broad density range. 30 dwellings per hectare is set out as an indicative minimum. Paragraph 50 states that the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. Applicants are encouraged to demonstrate a positive approach to renewable energy and sustainable development.

Planning Policy Statement 3 (PPS3): Housing has been reissued with the following changes: the definition of previously

developed land now excludes private residential gardens to prevent developers putting new houses on the brownfield sites and the specified minimum density of 30 dwellings per hectare on new housing developments has been removed. The changes are to reduce overcrowding, retain residential green areas and put planning permission powers back into the hands of local authorities. (June 2010)

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 **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

5.6 **East of England Plan 2008**

SS1	Achieving sustainable development
T14	Parking
ENV7	Quality in the built environment
ENG6	CO ₂ emissions and energy performance
WM8	Waste management in development

5.7 **Cambridge Local Plan 2006**

3/1 Sustainable development
3/4 Responding to context
3/7 Creating successful places
3/10 Sub-division of existing plots
3/12 The design of new buildings
3/14 Extending buildings
4/13 Pollution and amenity
5/1 Housing provision
8/2 Transport impact
8/6 Cycle parking
8/10 Off-street car parking

Planning Obligation Related Policies

3/8 Open space and recreation provision through new development

5/14 Provision of community facilities through new development

10/1 Infrastructure improvements

5.8 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.

5.9 Material Considerations

Cambridge City Council (2004) – Planning Obligation Strategy: Sets out the Council's requirements in respect of issues such as public open space, transport, public art, community facility provision, affordable housing, public realm improvements and educational needs for new developments.

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

6.1 No Objection: Informatives requested regarding works to the highway.

Head of Environmental Services

- 6.2 No objections, conditions requested regarding construction working hours, deliveries and waste storage.
- 6.3 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:

19 Leete Road
17 Leete Road

- 7.2 The representations can be summarised as follows:

- Altering character of the estate
- Contrast of materials
- Obscuring of view
- Overlooking
- Privacy impacts
- Increase in traffic
- Flats being let to 『transient』 people and potential impact upon child safety.

- 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. Residential amenity
4. Impact on the highway
5. Car and cycle parking
6. Third party representations

7. Planning Obligation Strategy

Principle of Development

- 8.2 The application is broadly supported by Local Plan policy 5/1 which identifies the need for new housing within the city in appropriate locations and subject to other policies in the Local Plan. Proposals for windfall sites such as these will be permitted subject to existing land use and compatibility with adjoining uses. The application site is in a predominately residential area where additional dwellings can be supported in principle.
- 8.3 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1 of the Cambridge Local Plan 2006.
- 8.4 Policy 3/10 of the Local Plan is of direct relevance to the development as it involves the subdivision of an existing curtilage and retention of the original dwelling, in this case 2 Drayton Road. Policy 3/10 does not permit development in the following circumstances (precised form):

Where it would have an adverse impact on residential amenities.

Where it would provide inadequate amenity space or access.

Where it would detract from the prevailing character of the area.

Where it would adversely affect the setting of a listed building or BLI.

Where it would adversely affect trees and wildlife features.

Where it would prejudice comprehensive development of a wider area.

The development is not near a listed building or BLI, will not affect trees or wildlife features and does not prejudice comprehensive development. I have addressed the issues of residential amenity impacts, amenity space and access and impact on the character of the area below.

Context of site, design and external spaces

- 8.5 The application is consistent with the primarily residential nature of the site and surrounding areas, and the design of the terrace including the aforementioned development to the south. The

layout of the development is detailed within the application and conforms to the existing layout of the terrace that will greatly reduce the potential for visual harm. I note that there is already a similar development to the south, which would allow for this application to create a degree of symmetry to the terrace. The application does not include details of the appearance of the building but the illustrative massing studies demonstrate that a successful built form can be achieved.

- 8.6 The area does retain some large plots on the corners of interlinking streets, which originally played an important role in the layout and design of the residential area, but I consider that as this general characteristic has been steadily eroded over time. In the light of the previously permitted extensions it would be unreasonable to suggest that the application would result in a detrimental impact upon the street scene in my view. A representation has been received regarding the materials to be used. I agree that this is an important consideration in ensuring that the development is compatible with its surroundings and have recommended a planning condition to address this point.
- 8.7 In my opinion the proposal is broadly compliant with East of England Plan 2008 policy ENV7, and Cambridge Local Plan 2006 policies 3/4, 3/7, 3/10, 3/12 and 3/14.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.8 There will be a degree of overlooking which will be created as a result of a residential development on this site, although I note that there will remain a significant distance (over 17 metres) from the southern boundary of the property to the north, and significantly over 20 metres from those to the west upon Leete Road. This potential for overlooking (or inter-looking) would be no greater than that of the existing residential properties. As such I consider that no harm will be realised and that this would not be a justification for a recommendation of refusal. Similarly there will not be any significant impact on the privacy currently enjoyed by residents.
- 8.9 In terms of visual disruption/loss of outlook I consider that whilst the development will result in a degree of change in the streetscene and the views currently enjoyed by neighbours, this

change will not have a significant impact on residential amenities such that a recommendation of refusal of planning permission could be justified.

- 8.10 The proposed development retains a garden area to serve 2 Drayton Road, measuring 15 metres by 5 metres and two tandem parking spaces to serve this dwelling. Although small, the retained garden area is consistent with other gardens in the area, most notably the 'retained' garden to 1 Malletts Road, which is the same size. This level of amenity is adequate in my view.
- 8.11 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 and 3/7.

Amenity for future occupiers of the site

- 8.12 The layout provides for two small amenity areas approximately 6 metres by 6 metres to serve the two flats. A recycling/bin/cycle store is shown accessed via Drayton Road. Subject to a planning condition to control the detail of cycle parking and waste storage provision, I am satisfied that the development will provide for a good standard of amenity for future occupiers.
- 8.13 In my opinion, the development is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/4, 3/10 and 3/14.

Impact on the highway

- 8.14 Third party representations have highlighted the potential for increased traffic associated with the development. Bearing in mind that the site is currently undeveloped, the new flats are likely to generate some additional traffic over and above the existing situation. However, it is my view that the level of traffic generation will not be significant, which is reflected in the comments of the highway authority. The development is compliant with Cambridge Local Plan policy 8/2.

Car and cycle parking

- 8.15 One parking space for each of the flats and two spaces to serve 2 Drayton Road are shown on the layout plan. The spaces serving 2 Drayton Road result in 'tandem parking', which could result in additional manoeuvring in the street. Given that Drayton Road is a quiet residential street I do not think that this presents a problem. The level of car parking accords with the parking standards in the Local Plan. Cycle parking is to be provided in a shared bike and bin store. I have recommended a condition to ensure adequate space is provided. The development is compliant with Cambridge Local Plan policies 8/6 and 8/10.

Third Party Representations

- 8.16 I have addressed the issues raised by third party representations as follows:

Altering character of the estate – 8.5 and 8.6

Contrast of materials – 8.6

Obscuring of view – 8.9

Overlooking – 8.8

Privacy impacts – 8.8

Increase in traffic – 8.13

I have not addressed the issue of 'Flats being let to [transient] people and impact upon child safety'. The occupiers of the flats are not a material planning consideration in the determination of the application.

Planning Obligation Strategy

- 8.17 The Community Infrastructure Levy Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. If the planning obligation does not pass the tests then it is unlawful. The tests are that the planning obligation must be:

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements. The Planning Obligation Strategy (2010) provides a framework for expenditure of financial contributions collected through planning obligations. The applicants have indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Strategy. The proposed development triggers the requirement for the following community infrastructure:

Open Space

8.18 The Planning Obligation Strategy requires that all new residential developments contribute to the provision or improvement of public open space, either through provision on site as part of the development or through a financial contribution for use across the city. The proposed development requires a contribution to be made towards open space, comprising outdoor sports facilities, indoor sports facilities, informal open space and provision for children and teenagers. The total contribution sought has been calculated as follows.

8.19 The application proposes the erection of three one-bedroom houses. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom dwellings are assumed to accommodate 1.5 people. Contributions towards children's play space are not required from one-bedroom units. The totals required for the new buildings are calculated as follows:

Outdoor sports facilities					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	238	238		
1 bed	1.5	238	357		
2-bed	2	238	476	2	952
3-bed	3	238	714		
4-bed	4	238	952		
Total					952

Indoor sports facilities					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	269	269		
1 bed	1.5	269	403.50		
2-bed	2	269	538	2	1076
3-bed	3	269	807		
4-bed	4	269	1076		
Total					1076

Informal open space					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	242	242		
1 bed	1.5	242	363		
2-bed	2	242	484	2	968
3-bed	3	242	726		
4-bed	4	242	968		
Total					968

Provision for children and teenagers					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	0	0		
1 bed	1.5	0	0		
2-bed	2	316	632	2	712
3-bed	3	316	948		
Total					712

8.20 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 3/8 and 10/1.

Community Development

- 8.21 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to community development facilities, programmes and projects. This contribution is £1256 for each unit of one or two bedrooms and £1882 for each larger unit. The total contribution sought has been calculated as follows:

Community facilities			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256		
2-bed	1256	2	2512
3-bed	1882		
4-bed	1882		
Total			2512

- 8.22 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 5/14 and 10/1.

Waste

- 8.23 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the provision of household waste and recycling receptacles on a per dwelling basis. As the type of waste and recycling containers provided by the City Council for houses are different from those for flats, this contribution is £75 for each house and £150 for each flat. The total contribution sought has been calculated as follows:

Waste and recycling containers			
Type of unit	£per unit	Number of such units	Total £
House	75		
Flat	150	2	300
Total			300

8.24 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1.

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. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

3. No development shall commence until full details of facilities for the covered, secure parking of bicycles for use in connection with the development hereby permitted have been submitted to and approved by the Local Planning Authority in writing. The agreed facilities shall be provided in accordance with the approved details before use of the development commences.

Reason: To ensure appropriate provision for the secure storage of bicycles. (Cambridge Local Plan 2006 policy 8/6)

4. 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)

5. 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)

6. Prior to the commencement of development, full details of the on-site storage facilities for waste storage, including waste for recycling shall be submitted to and approved by the local planning authority in writing. Such details shall identify the specific positions of wheelie bins, recycling boxes or any other means of storage and arrangements for disposal of waste. The approved facilities shall be provided prior to occupation of the development and 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. (Policies 3/12 and 4/13 of the Cambridge Local Plan 2006)

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or with any order revoking and re-enacting that Order with or without modifications) no windows or dormer windows shall be constructed other than with the prior formal permission of the local planning authority.

Reason: To protect the amenity of adjoining properties. (Cambridge Local Plan 2006 policies 3/4 and 3/14)

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions, or additions or garages shall be erected other than those expressly authorised by this permission.

Reason: To protect the amenity of adjoining properties, and to prevent overdevelopment of the site. (Cambridge Local Plan 2006 policies 3/4 and 3/14)

INFORMATIVE: New development can sometimes cause inconvenience, disturbance and disruption to local residents, businesses and passers by. As a result the City Council runs a Considerate Contractor Scheme aimed at promoting high standards of care during construction. The City Council encourages the developer of the site, through its building contractor, to join the scheme and agree to comply with the model Code of Good Practice, in the interests of good neighbourliness. Information about the scheme can be obtained from The Considerate Contractor project Officer in the Planning Department (Tel: 01223 457121).

INFORMATIVE: This planning permission should be read in conjunction with the associated deed of planning obligation prepared under s.106 of the Town and Country Planning Act 1990 (as amended).

INFORMATIVE: Notwithstanding any consent granted under the relevant planning act/s, the applicant is advised that before any works are carried out on any footway, carriageway, verge or other land forming part of the public highway the express consent of Cambridgeshire County Council as the Local Highway Authority will be required. All costs associated with any construction works will be borne by the developer. The developer will not be permitted to drain roof water over the public highway, nor across it in a surface channel, but must make arrangements to install a piped drainage connection. No window or door will be allowed to open over a highway and no foundation or footing for the structure will be allowed to encroach under the public highway.

INFORMATIVE: Notwithstanding any consent granted under the relevant planning act/s, the applicant is advised that before any works are carried out on any footway, carriageway, verge or other land forming part of the public highway the express consent of Cambridgeshire County Council as the Local Highway Authority will be required. All costs associated with any construction works will be borne by the developer.

INFORMATIVE: The applicant is advised that any granting of Planning Permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway, and a separate permission must be sought from the Highway Authority for such works.

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:

Cambridge Local Plan (2006): 3/1, 3/4, 3/7, 3/8, 3/10, 3/12, 3/14, 5/1, 5/14, 8/2, 8/6, 8/10 and 10/1

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.

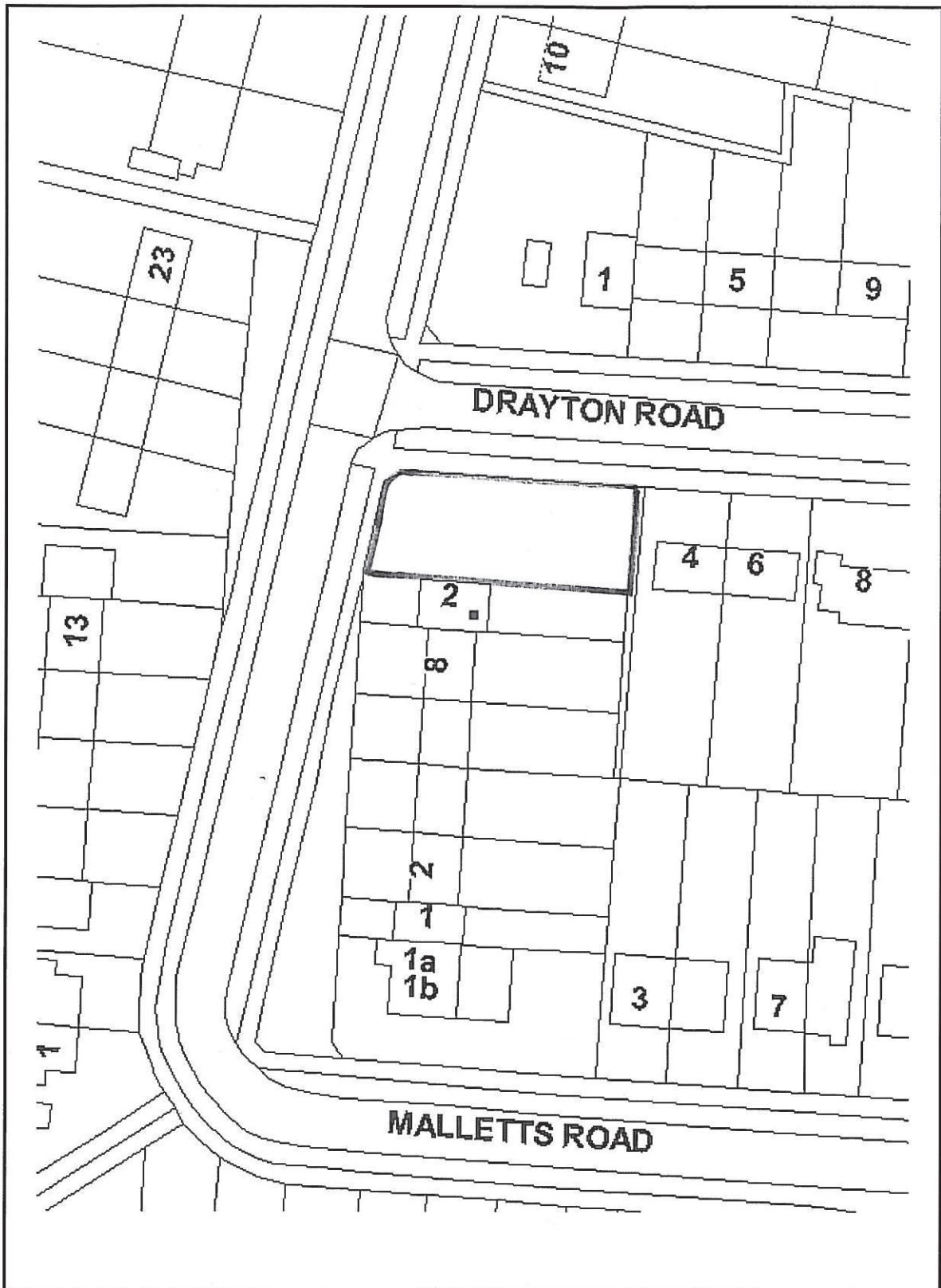
These reasons for approval can be a summary of the reasons for grant of planning permission only. For further detail on the decision please see the officer report by visiting the Council Planning Department.

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.



10/0742/FUL
2 Drayton Road Cambridge Cambridgeshire CB1 9EX

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Application Number	10/1148/FUL	Agenda Item	
Date Received	10th November 2010	Officer	Miss Amy Lack
Target Date	5th January 2011		
Ward	Cherry Hinton		
Site	11 High Street Cherry Hinton Cambridge Cambridgeshire CB1 9HY		
Proposal	Change of use to a mixed Restaurant/Cafe and take-away use (mixed use Classes A3 and A5).		
Applicant	Mr Hussain 8 Maners Way Cambridge Cambridgeshire CB1 8SL		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is located on the High Street in Cherry Hinton, designated a Local Centre in the Cambridge Local Plan (2006). The property is situated in the south end of the Local Centre, on the corner of the High Street and Mill End Road.
- 1.2 The premises is a relatively modern building, attached and under the same roof as the neighbouring shop also part of 11 High Street, which operates as an Indian Supermarket and Post Office. At first floor level across the width of these properties are flats, which are accessed independently of the commercial units below.
- 1.3 The property has recently been granted permission to operate as a Restaurant (Use Class A3) under planning reference 09/0392/FUL. Prior to this the unit had been a vacant A2 Use (Financial and Professional Services) since June 2008.
- 1.4 Outside the property is a pedestrian crossing and just to the south 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 the opening time of the existing restaurant. A cycle lane runs immediately adjacent with a zebra crossing, followed by a mini roundabout to the north at the junction of the High Street with Mill End Road.

- 1.5 The local centre has a variety of uses within it and appears to be a vibrant and well used, providing a range of amenities to the local community, the majority of which are to the north of the designated local centre at Rectory Terrace. The surrounding area has a high concentration of residential properties. The site does not fall within a Conservation Area nor does it fall within a controlled parking zone.

2.0 THE PROPOSAL

- 2.1 This application seeks permission for a change of use from Restaurant (Use Class A3) to a mixed Restaurant and Take Away (Use Classes A3/ A5). The application proposes the takeaway use to operate alongside the existing restaurant function.
- 2.2 The application is accompanied by the following supporting information:
1. Supporting Statement; and
 2. Petition of support from local residents and customers.

3.0 SITE HISTORY

Reference	Description	Outcome
09/0392/FUL	Change of use from vacant A2 (Betting Office) to A3 (Restaurant) use.	A/C
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:	Yes

5.0 POLICY

5.1 Central Government Advice

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Planning Policy Statement 4: Planning for Sustainable Economic Development (2010)

Planning Policy Guidance 13: Transport (2001)

Circular 11/95 – The Use of Conditions in Planning Permissions

5.2 East of England Plan 2008

SS1: Achieving Sustainable Development

T1: Regional Transport Strategy Objectives and Outcomes

T9: Walking, cycling and other non-motorised transport

T14: Parking

ENV7: Quality in the Built Environment

WM6: Waste Management in Development

5.3 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 The proposed use has the potential to increase short term stopping of motor vehicles on the zig-zag markings associated

with the zebra crossing, and with potential for conflict with the significant number of cyclists using the road. Under these circumstances the Highway Authority requests that the application be refused on the grounds of highway safety.

Head of Environmental Services

- 6.2 Takeaway establishments can cause disturbance in terms of odour and noise to the occupants of nearby residential properties. Noise is likely to be from patrons, vehicles and the operation of plant equipment. Should permission be granted I recommend a condition is attached restricting the hours of opening to between 11:00hours and 00:00hours.
- 6.3 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 Councillor Taylor and Councillor Dryden have both requested the application be determined at South Area Committee.

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

- 5, Mill End Road, Cherry Hinton, Cambridge CB1 9JW

7.3 The representations can be summarised as follows:

- The supporting statement suggests that the majority of customers are expected to be locals who will come on foot. However, given that this site is at the very far end of the High Street and the village itself, most customers are likely to come by car;
- The two lay-bys are very small and heavily used by residents visiting the various shops here;
- This proposal will lead to an increase in noise and disturbance and result in an even busier and more dangerous section of the high street, accentuated by the close proximity to a mini roundabout. This is likely to lead to more unauthorised parking, on this and surrounding streets resulting in conflicts and danger to pedestrians and cyclist.

7.4 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 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. The designated local centre on the High Street in Cherry Hinton provides a diverse range of amenities, which serve a localised catchment area. 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 retain, as the property is already classified as a Class A3 use, this part of the policy is not applicable to this application.

8.3 Both PPS4 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.

8.4 The principle of development relates to the immediate context and any potential impact upon the vitality of that area. The change of use proposed looks to incorporate a takeaway element to an existing restaurant function. The site is in a local centre and therefore complies with b). I am however concerned, given responses from the highway authority in particular, but also because of the relationship to other properties, particularly residential property nearby, as to whether the detail of a) is met. I will address this below, but while I believe the principle of a takeaway in this location is acceptable if the tests of policy 6/10 of the Cambridge Local Plan (2006) can be met.

Context of site, design and external spaces

8.5 The locality is predominantly characterized by residential dwellings with other uses concentrated within this local centre, which is a mixed use of Class A1, A2, A3, A4 and A5 uses sometimes with residential accommodation above.

8.6 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 is there to ensure a high quality development can be achieved. In terms of the proposed development, the application seeks to provide a mixed Class A3/A5 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.

8.7 This application is for a material change of use only, as no external alterations are proposed and no additional floor space is to be created as part of this application. As such, there will be no adverse visual impacts upon the character or appearance of the property or the street scene.

8.8 I am of the view that the proposal would not have a detrimental impact on the visual amenity of the area different from that of its current use as a restaurant. I therefore consider the proposal is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policy 3/4.

Disabled access

- 8.9 This application only seeks consent for a change of use. The shopfront is to remain unaltered by this proposal. The existing arrangement which is to be retained provides a level threshold into the property, which makes it accessible and 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

- 8.10 A significant proportion of the properties within the local centre consist of a commercial unit at ground floor level and then residential accommodation on the upper floors. There are no proposals to alter the external appearance of the property or to locate tables and chairs outside the premises, nor does the application seek to extend the existing opening hours that the restaurant operates during. However, changing the premises to a mixed Class A3/A5 use has the potential and is very likely to increase the amount of noise and disturbance as a result of what will undoubtedly be an increased number of comings and goings associated with the proposed take-away use. If permitted, this will be the only A5 use in this small parade of shops. The A3 use was accepted previously on the reasonable assumption that customers would visit the premises for a longer period and be contained within the building, save for when they were coming and going and that any vehicle movements would be occasional. In my opinion the A5 use will increase the number of people going into and out of the premises, increase the number of vehicle movements and the associated disturbance of stopping and starting of vehicles and the opening and shutting of car doors. This use will also increase the likelihood of people congregating in front of the premises late into the evening once they have purchased their food.
- 8.11 I acknowledged above that there are other food and drink establishments that are open into the evening and offer a takeaway facility along the High Street. However, these are located to the north of this local centre at Rectory Terrace, some distance from the small terrace of units that the application site forms a part. The car parking also more generous nearby.

- 8.12 The change of use, if approved, could also potentially result in nuisance arising from smells and odour from the A3/A5 use. The Environmental Health Officer recognises that there are residential units situated in close proximity and raises no objection to the proposal, however, they advise that, if approved, a condition to restrict the hours of opening to between 11:00hours and 00:00hours should be imposed. I note that a condition was imposed to previous planning application reference 09/0392/FUL which granted permission for the use of the premises as a Restaurant requiring details of fume filtration/extraction to be agreed prior to the commencement of the use permitted and that these details remain outstanding.
- 8.13 In my opinion the noise and disturbance from this greater level of activity will be detrimental to the amenity that neighbours should reasonably expect to enjoy and therefore the proposal fails to adequately respect this amenity and the constraints of the site. As such, I believe it fails to comply with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/4, 4/13 and 6/10.

Refuse Arrangements

- 8.14 No details have been provided for the storage of waste but I consider there to be adequate space to the rear of the property to accommodate the necessary storage and that any additional waste generated from the proposed takeaway use can be satisfactorily accommodated by the existing refuse storage that has been agreed for the existing restaurant use. As such, I consider the proposal compliant with East of England Plan (2008) policy WM6 and Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.15 The Highway Authority have objected to this proposal on the ground of highway safety and request that it be refused. The change of use has the potential to increase short term stopping of cars and for this to happen on the markings associated with the pedestrian crossing, which is in immediate proximity to what is not an easy junction; it will unquestionably increase the potential conflict between stopping cars and cyclists and pedestrians crossing the road and movements in and out of Mill

End Road. While the lay-by might be considered to go some way towards meeting the parking needs, it is already very well used in the evenings and there is not therefore any real capacity.

8.16 Third party objections have also raised similar concerns, worried that the proposal will result in further traffic implications for the area, which already suffers from congestion. The lay-by outside the premises is limited in size and can only accommodate approximately 3 cars. While consideration of the consented restaurant use concluded that customers would be eating at the premises which generates a different parking pattern than a take-away use and as a result customers are more likely to look to longer term parking as is available in public car parks in Colville Road or Chelwood Road, it was acknowledged that a takeaway use here would not be acceptable. The complexity of the road layout and limited parking available along this section of the High Street means it is not capable of accommodating of a takeaway use and the type of traffic it would generate, which would unduly overburden the adjacent short stay car parking and encourage illegal parking.

8.17 The introduction of a Class A5 takeaway to this site is unacceptable in that it will increase the demand for short-term parking on a site without adequate off-street car-parking provision, in a location that is very close to a busy junction of vehicular, cyclist and pedestrian traffic, and in an area where there is already very intensive competition for on-street parking spaces in adjacent streets that already results in illegal parking. Any increase in demand for short term parking, such as that which would be generated by the proposed change of use, would exacerbate the already unsatisfactory situation and be detrimental to the safety of other users of the public highway, particularly cyclists. The proposal is, therefore, contrary to East of England Plan (2008) policy T1 and Cambridge Local Plan (2006) policies 6/10, 8/2 and 8/10.

Car and Cycle Parking

8.18 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. For customers visiting to stay and use the restaurant I am satisfied that two public car parks in

the vicinity, both of which are no more than a 5 minute walk away and its 'local centre' location which is well served by public transport, sufficiently offsets this lack of provision and it is not necessary for the applicant to provide on site car parking. With regard to the takeaway function for the reasons discussed above the arrangements for stopping to order and pick up food are not satisfactory. However, in terms of meeting the City Council's Car Parking Standards, which are maximum standards, even in making no provision the proposal is compliant with the Car Parking Standards set within the Cambridge Local Plan (2006) and compliant with policy 8/10 and East of England Plan (2008) Policy T9.

8.19 The premises does not have any cycle parking spaces associated with it and the applicant does not propose to provide any. While there is limited space to the front of the property due to the presence of a letter box and a narrow shop frontage, to allow for cycle parking to be provided on site it would have to be located to the rear of the property. If parking were to be sited here it would not be visible and as a result is likely to be used. As such, I do not consider it reasonable to impose a condition requiring cycle provision to be made to serve the proposed takeaway use.

8.20 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

8.21 I believe that I have addressed the concerns raised by the third party objection received within the report.

9.0 CONCLUSION

9.1 The takeaway element of the proposed mixed A3/A5 use would be likely to result in short stay car parking on the highway and pavement on this busy part of the High Street, which in addition to vehicular traffic experiences a high volume of cycle and pedestrian movement. Parking is likely to obstruct the highway and create a hazard to other road/pavement users potentially having implications for highway safety. Further to this the increase in comings and goings to the premises and a tendency for people to congregate outside of takeaway establishments

whilst waiting for orders or consuming them is likely to cause unacceptable noise and disturbance to the immediate surrounding residential area. I recommend the application be refused.

10.0 RECOMMENDATION

REFUSE

for the following reasons:

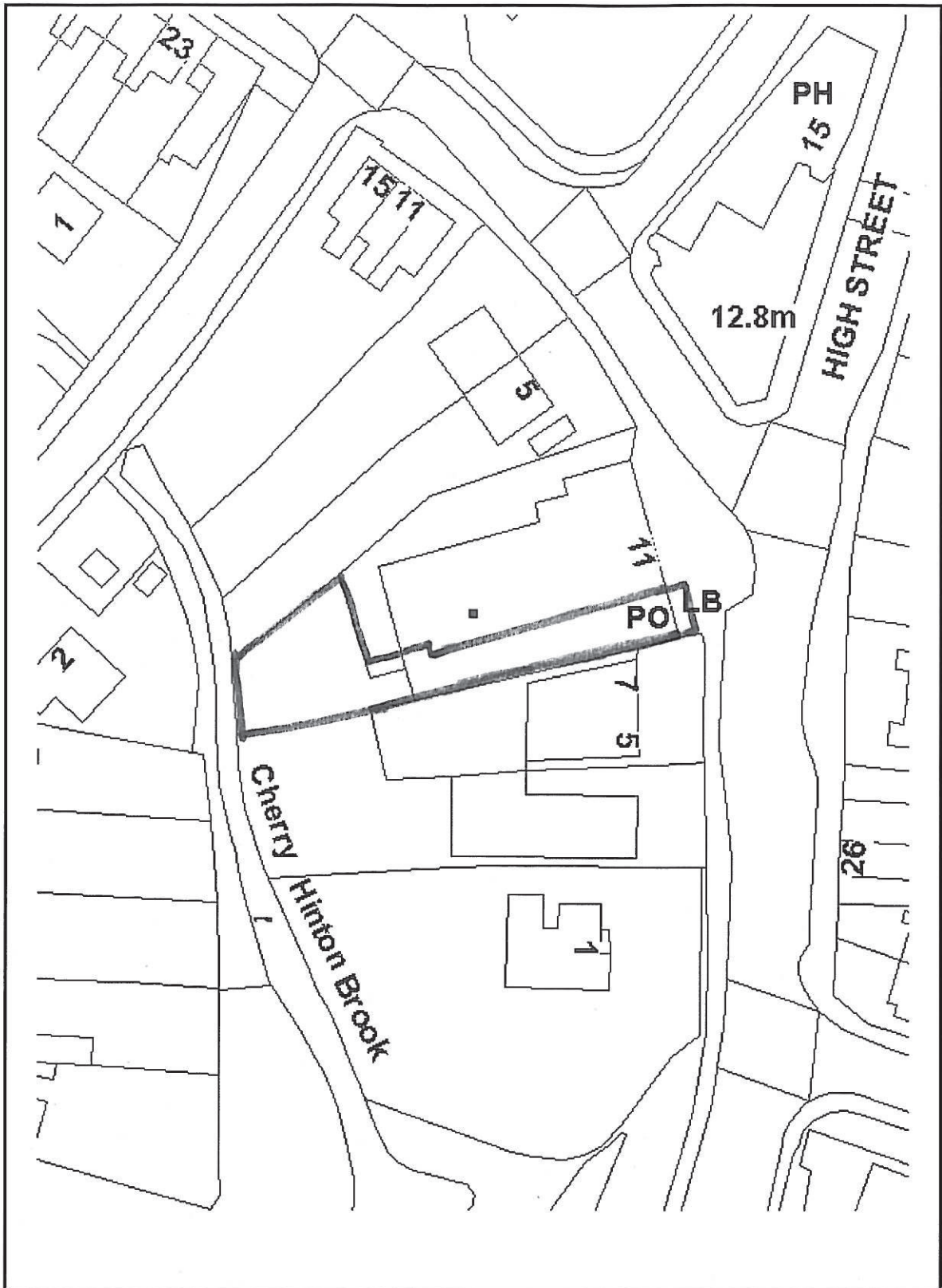
1. The takeaway element of the proposed mixed A3/A5 use would be likely to result in short stay car parking on the highway close to the premises, which is located at a narrow and busy part of the High Street, with a pedestrian crossing immediately to the front and very close to the junction with Mill End Road, where there are high volumes of cycle and pedestrian traffic as well as vehicular traffic. These factors combine to make this a location where cars parking close to the junction to use the takeaway, even for short periods, are likely to obstruct the highway and create a hazard for other users, vehicles, cycles and pedestrians. The development would as a consequence prejudice highway safety, contrary to East of England Plan (2008) policy T1, Cambridge Local Plan (2006) policy 8/2 and advice provided by Planning Policy Statement 1 - Delivering Sustainable Development (2005) and Planning Policy Guidance 13 Transport (2001).
2. The proposal, because of the nature of a Class A5 Use and its relatively short-term customers and higher turnover levels compared to customers of the existing Class A3 use, will be likely to generate significantly greater levels of activity to the frontage of the premises in a predominantly residential area. The noise and disturbance from this greater level of activity will be detrimental to the amenity that neighbours should reasonably expect to enjoy. For these reasons the proposal, fails to respond to its context or relate well to its surroundings and is contrary to Cambridge Local Plan 2006 policy 3/4; gives rise to unacceptable environmental problems or nuisance contrary to Cambridge Local Plan 2006 policy 6/10; and adversely affects the environmental amenity of others, contrary to Cambridge Local Plan 2006 policy 4/13.

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.



10/1148/FUL

11 High Street Cherry Hinton Cambridge Cambridgeshire

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