

**Application Number** 13/0166/FUL **Agenda Item**

**Date Received** 20th February 2013 **Officer** Mr Amit Patel

**Target Date** 17th April 2013

**Ward** East Chesterton

**Site** 192 High Street Chesterton Cambridge  
Cambridgeshire CB4 1NX

**Proposal** Change of use from A1 retail to tanning salon (sui generis) in the alternative.

**Applicant** Mrs T Land  
64 Fallowfield Chesterton Cambridge CB4 1PE

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>Percentage of Class A1 use in the local centre will remain above 60%.</p> <p>No external changes proposed to the building</p> <p>The proposed use is likely to have less of an impact on neighbour amenity than the current use</p>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 Shop unit on the south side of Chesterton High Street.
- 1.2 The site falls at the extreme eastern end of Local Centre 10 (Chesterton High Street) It is adjacent to, but outside the City of Cambridge Conservation Area No.3 (Chesterton).

**2.0 THE PROPOSAL**

- 2.1 Change of use from A1 retail to sui generis tanning salon.

2.2 The application is accompanied by the following supporting information:

1. Plans

### 3.0 SITE HISTORY

3.1 No site history relevant to this application.

### 4.0 PUBLICITY

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

### 5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, East of England Plan 2008 policies, Cambridgeshire and Peterborough Structure Plan 2003 policies, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4
	4/11
	6/7
	8/2 8/10

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 Circular 11/95 Community Infrastructure Levy Regulations
-----------------------------	--

	2010
Supplementary Planning Documents	Sustainable Design and Construction
Material Considerations	<u>Central Government:</u> Letter from Secretary of State for Communities and Local Government (27 May 2010) Written Ministerial Statement: Planning for Growth (23 March 2011)
	<u>Area Guidelines:</u> Conservation Area Appraisal: Chesterton and Ferry Lane

## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Engineering)

- 6.1 No significant adverse effect on the public highway should result from this proposal.

### Head of Environmental Services

- 6.2 No adverse comment
- 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 occupier of 221 Chesterton High Street has made representations.
- 7.2 The representations can be summarised as follows: concerns about pressure on on-street car parking, opening hours, and possible changes to other sui generis uses

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. Residential amenity
3. Car and cycle parking
4. Third party representations

### **Principle of Development**

8.2 Paragraph 70 of the Framework encourages positive planning for the provision of local services to enhance sustainable communities. I consider that the provision of this local service, which will help to meet the day-to-day needs of local people, is in accordance with this guidance.

8.3 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%. The most recent shopping survey shows there are 18 units within the Local Centre. There are a total of 12 units, (of which one is vacant) in A1 use. The change of use of one unit into a sui generis use would leave 11 out of 18 units (61%) in A1 use in the local centre.

8.4 The policy also supports changes of use that add vitality and viability to local centres, which in my opinion this proposed change of use does, as there are no other uses of this nature in the local centre. The policy seeks to keep the units in uses which will bring trade to the centre and seeks to prevent uses that would detract from vitality and viability such as residential and offices. The policy and its supporting text are silent about sui generis uses, and in this context, where the proposed use will bring customers to the centre, I am of the view that the Framework provides support for treating the application for sui

generis use in a similar manner to applications for other Class A uses.

- 8.5 In my opinion, the principle of the development is acceptable and in accordance with policy 6/7, and with the guidance in paragraph 70 of the Framework.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.6 The application premises were last used as a shop within Class A1, but are currently vacant.
- 8.7 The proposal seeks no changes to the exterior of the building, so no issues of overlooking, overshadowing, visual domination or disturbance from light arise.
- 8.8 In my view, the level of activity at a sui generis tanning salon is likely to be less than at a Class A1 shop. The Environmental Health team have raised no concerns and I do not believe there is likely to be any increased noise.
- 8.9 There have been third party comments regarding opening hours. The application form states that Mon-Fri 10am to 9pm, Sat 10am to 6pm and Sun 10am to 4pm. I consider that these hours are appropriate as there are other units that open and close at a similar time. The Environmental Health team have raised no concerns regarding this issue.
- 8.10 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 Cambridge Local Plan (2006) policies 3/4 and 3/7.

### **Car and Cycle Parking**

- 8.11 There has been a comment about car parking from a third party. The concern is that this will increase illegal parking. In my view, this is unlikely, as customers will remain in the premises for some time, but it is in any case, a matter for parking enforcement. The highway authority has not raised concerns about this issue.

8.12 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Third Party Representations**

8.13 The third party concern regarding car parking and opening hours has been addressed above. The other point relates to the principle of sui generis use. This sui generis use is a specific use and any change to a different sui generis use would need planning permission.

## **9.0 CONCLUSION**

The proposal is for a change of use. The proposed use will not, in my opinion have a detrimental impact upon the nearby occupiers and will not reduce the proportion of A1 use in the local centre below 60% and I therefore recommend APPROVAL.

## **10.0 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.

### **Reasons for Approval**

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

Cambridge Local Plan (2006): 3/1, 3/4, 4/11, 6/7, 8/2 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.

3. In reaching this decision the local planning authority has acted on guidance provided by the National Planning Policy Framework, specifically paragraphs 186 and 187. The local planning authority has worked proactively with the applicant to bring forward a high quality development that will improve the economic, social and environmental conditions of the area.

These reasons for approval can be a summary of the reasons for grant of planning permission only. For further details on the decision please see the officer report online at [www.cambridge.gov.uk/planningpublicaccess](http://www.cambridge.gov.uk/planningpublicaccess) or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between Mon 8am - 5:15pm, Tues, Thurs & Fri 9am - 5:15pm, Weds 9am - 6pm.