

Application Number	10/0559/FUL	Agenda Item	
Date Received	8th July 2010	Officer	Mr Amit Patel
Target Date	2nd September 2010		
Ward	Petersfield		
Site	41 Mill Road Cambridge Cambridgeshire CB1 2AW		
Proposal	Change of use to a coffee shop (A3 use).		
Applicant	C/o Mrs Natalie Jarman Walsingham Planning Bourne House Cores End Road Bourne End Bucks SL8 5AR		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 41 Mill Road stands on the north side of the street on the north-east corner of the junction of Mill Road and Mackenzie Road; it occupies the whole of the Mill Road frontage between that corner (west) and the entrance to Mill Road Cemetery (east). The ground floor, which is the subject of this application, is in commercial use as drop-in legal centre. The Mill Road frontage of the building, which is where the access is located, is dominated by 6 tall openings, one a door, divided into small panes. The property is constructed from brick that has been rendered cream with a slate roof.
- 1.2 The surrounding area is a mixture of residential and commercial properties that tend to fall with classes A1, A2, A3 or A5. The general pattern along this part of Mill Road is of residential development on the north side of the street and commercial use at the ground floor with residential flats or storage at first floor level on the south side of the street.

1.3 The building is situated within the Mill Road and St Matthews area of the City of Cambridge Conservation Area 1 (Central) and is within the Mill Road District Centre (20) as defined in the Cambridge Proposals Map.

2.0 THE PROPOSAL

2.1 The proposal seeks a change of use from Use Class A2 (financial and professional services) to Use Class A3 Café/restaurant.

2.2 The application is accompanied by the following supporting information:

1. Design Statement
2. Plans

3.0 SITE HISTORY

Reference	Description	Outcome
C/84/0362	Change of use from retail shop to employment bureau (ground floor only)	A/C
C/83/0541	Use of 1st and 2nd floors as offices	A/C
C/98/0328	Change of use from an Employment Agency (Class B1) to a book shop (Class A1) of ground floor and basement.	A/C
C/98/1104	Change of use of ground floor and basement from an employment agency (Class B1) to a legal advice centre open to visiting members of the public (Class A2) (Retrospective application).	Approved

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 **Planning Policy Statement 5: Planning for the Historic Environment (2010):**

sets out the government's planning policies on the conservation of the historic environment. Those parts of the historic environment that have significance because of their historic, archaeological, architectural or artistic interest are called heritage assets. The statement covers heritage assets that are designated including Site, Scheduled Monuments, Listed Buildings, Registered Parks and Gardens and Conservation Areas and those that are not designated but

which are of heritage interest and are thus a material planning consideration. The policy guidance includes an overarching policy relating to heritage assets and climate change and also sets out plan-making policies and development management policies. The plan-making policies relate to maintaining an evidence base for plan making, setting out a positive, proactive strategy for the conservation and enjoyment of the historic environment, Article 4 directions to restrict permitted development and monitoring. The development management policies address information requirements for applications for consent affecting heritage assets, policy principles guiding determination of applications, including that previously unidentified heritage assets should be identified at the pre-application stage, the presumption in favour of the conservation of designated heritage assets, affect on the setting of a heritage asset, enabling development and recording of information.

5.7 **Planning Policy Guidance 13: 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.

5.8 **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.

5.9 **Cambridge Local Plan 2006**

3/1 Sustainable development
3/4 Responding to context
3/11 The design of external spaces
3/15 Shopfronts and signage
4/11 Conservation Areas
4/13 Pollution and amenity
6/10 Food and drink outlets.
8/9 Commercial vehicles and servicing

5.10 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.

5.11 Material Considerations

City Wide Guidance

The Cambridge Shopfront Design Guide (1997) – Guidance on new shopfronts.

Area Guidelines

Cambridge Historic Core – Conservation Area Appraisal (2005): Guidance on the relationship between the Historic Core and new development.

Mill Road and St Matthews Conservation Area Appraisal (1999)

Guidance relating to development and the Conservation Area.

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

6.1 No Objection:

Head of Environmental Services

- 6.2 The principle is acceptable, subject to conditions controlling delivery hours, construction hours and waste and recycling, with added informatives on Health and Safety, Food Safety and Licensing.

Historic Environment Manager

- 6.4 The proposal is acceptable.

Cambridge City Council Access Officer

- 6.5 Need to have a dropped section, toilet doors to open outwards doorway to be 900mm in width, separating the rear and shop area and toilets do not meet Building Regulations part M.
- 6.6 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:

35 Mill Road
39 Mill Road

- 7.2 The representations can be summarised as follows:

Too many of these types of units in Mill Road.
Refuse being left on the street.
Smell from the proposed unit
Increase in noise pollution.

- 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. Refuse arrangements
5. Highway safety
6. Third party representations

Principle of Development

- 8.2 Policy 6/10 of the Local Plan is directly relevant. The policy states that developments for use from A3, A4 or A5 will only be permitted whereby they do not give rise to unacceptable environment and/or nuisance and the individual and cumulative impact is considered acceptable.
- 8.3 This site is in an existing centre but slightly different from most commercial activity in this part of Mill Road (west) by being on the north side of the street and slightly isolated from the other properties by occupying the whole frontage between Mackenzie Road and the entrance to Mill Road Cemetery.
- 8.4 In my opinion, the principle of the development is acceptable and in accordance with policy 6/10 however, there is a need to look in more detail at the acceptability in terms of nuisance and individual and cumulative impact, and that is done below.

Context of site, design and external spaces

- 8.5 This application seeks the change of use from a Class A2 use to Class A3 within the Mill Road west district centre. The loss of an A2 unit is not against policy in the Cambridge Local Plan, however the impact of such unit is, which will be assessed later.
- 8.6 41 is the first commercial unit travelling, west to east, on the northern side of Mill Road; the rest of the north frontage to Emery Street is also commercial, but there is then a distance of about 175 metres to the next commercial unit. Occupying the full frontage between Mackenzie Road and the entrance to Mill Road Cemetery, the building is very prominent in the street.
- 8.6 There is a mix of types of commercial unit within this district centre and I believe that the addition of this unit will sit well in the general context of the area where commercial units on the ground floor and residential or other uses above is the norm.

- 8.7 The existing unit sits hard up against the public highway and this is no different to the arrangement of the other commercial units along this stretch of Mill Road.
- 8.8 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/12.

Disabled access

- 8.9 The Access Officer has asked for the counter to have a 'dropped' section, the toilet doors to open outwards, and the doorway to be 900mm in width; separating the rear and shop area and toilets does not meet Building Regulations part M, which are outside the control of planning, but the access into the site is level and this is not shown to change.
- 8.10 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.11 The proposal is within a district centre and there are not dissimilar uses in other premises in the area and the individual and cumulative impact does therefore need to be assessed. On the same side of the street the commercial units to the east are within Use Class A2. I am of the opinion that the separation that Mackenzie Road, the cemetery access and the adjacent commercial uses provide, means that there will not be a material impact, in the horizontal plane, on adjacent property as a consequence of this use being introduced. Premises above the proposed A3 use may suffer a little more disturbance than from an A2 use, but that need not necessarily be the case and building regulations will control the issue of noise transference. In conclusion, I am of the opinion that the individual presence of the use would not have an impact that would warrant refusal.
- 8.12 In terms of cumulative impact it must be recognised however that on the opposite side of the street there is a mix of uses and that although A1 uses dominate there are also a number of Class A3, A4 and A5 uses. These are reasonably scattered west of Covent Garden (opposite Mackenzie Road), but a more

concentrated of A3 uses on the opposite side of the road from 50 Mill Road to 54 Mill Road.

- 8.13 That notwithstanding, I have looked at the relationship of all the uses and still do not consider that the use of these premises for Class A3 purposes is inappropriate or unacceptable. It will probably generate rather more movements than the existing Class A2 use, but other A2 uses might cause similar movements. Mill Road is an active and dynamic street where there is a lot of movement at almost all times. I do not think that any additional movements or noise resulting from this change of use will have a material cumulative impact upon the street and its character.
- 8.14 What does concern me about both the individual and cumulative impact is the potential harm to residents from movements late into the evening; both the residents above the premises and those across the streets to the west and to the south. However, the applicants have said that they only want the premises to be open from 08.00 to 18.00 hours and on that basis I consider the implications for neighbours to be more limited. Given the specific request I think it reasonable to limit the hours when the premises is open to the public to 08.00 to 18.00 hours only. Any request to extend the hours would then require a further application and consideration.
- 8.15 Also of concern is the absence from the plans of information about means of extract or flues that the use may require. It is argued that the prospective occupier does not think extract equipment is needed for the specific intended operation. But if the operation or occupier changed this could become a contentious issue and if any extraction plant or flues are required they will have to be the subject of a separate planning application. Given that the site is very visible from several angles, there should be no presumption that permission will be forthcoming and extract equipment may only be acceptable if it is internal to the building. An objection has been received regarding potential smells, but in the context of the proposed operation as a 'coffee shop' there is not an issue as coffee and heated panini are everyday smells. Another restaurant user might result in issues arising regarding smells but cooking would require flues and extracts designed to minimise such smells. The introduction of another A3 use to the site could therefore have some implications, but, again, there would be a

need for a further application and assessment of the implications for neighbours.

- 8.16 As explained Mill Road is a busy thoroughfare with heavy traffic during peak hours as well as more than normal movements during off peak hours. The additional impact of movements 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.
- 8.17 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 Cambridge Local Plan (2006) policies 3/4, 3/7 and 4/13.

Refuse Arrangements

- 8.18 The plans show an area, within the existing garage as the proposed bin area. The Environment Health manager has commented that the location is acceptable, however the size of bins shown need to be agreed as being adequate for this, to prevent harm from litter. A condition is suggested requiring further details for waste collection.
- 8.19 Subject to condition, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.20 The local highway authority has commented that no significant adverse impact shall occur from the proposal, in terms of highway authority.
- 8.21 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Third Party Representations

- 8.20 There have been third party representations which I have addressed in the main report.

9.0 CONCLUSION

- 9.1 The application seeks a further Class A3 use. As the site is already in a non-A1 use the proposal will not affect the shops/non-shops balance. Although there are other Class A3 uses in the area, I do not think the change of this unit will have either an individual or a cumulative adverse impact such as to justify refusal and approval is therefore recommended.

10.0 RECOMMENDATION

FOR RECOMMENDATIONS OF APPROVAL

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. The Class A3 (restaurants/snack-bars/cafes) use hereby approved shall only be open to the public between 08.00 and 18.00 hours on any one day.

Reason: To safeguard the amenity of neighbours and to allow for the reassessment of any proposal for longer opening hours and the individual or cumulative impact extended hours might have (Cambridge Local Plan 2006 policies 4/13 and 6/10)

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. Except with the prior agreement of the local planning authority in writing, there should be no collection or deliveries to the site outside the hours of 0800 hrs and 1800 hrs on Monday - Friday, 0800hrs to 1300 hrs on 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)

5. 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 residential amenity of the neighbouring occupiers (Cambridge Local Plan (2006) policies 4/13 and 6/10)

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 be registered with Cambridge City Council. In order to avoid additional costs it is recommended that the applicant ensure that the kitchen, food preparation and food 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.

6. **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, 3/11, 3/15, 4/11, 4/13, 6/10 and 8/9.

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 details on the decision please see the officer report online at www.cambridge.gov.uk/planningpublicaccess or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.

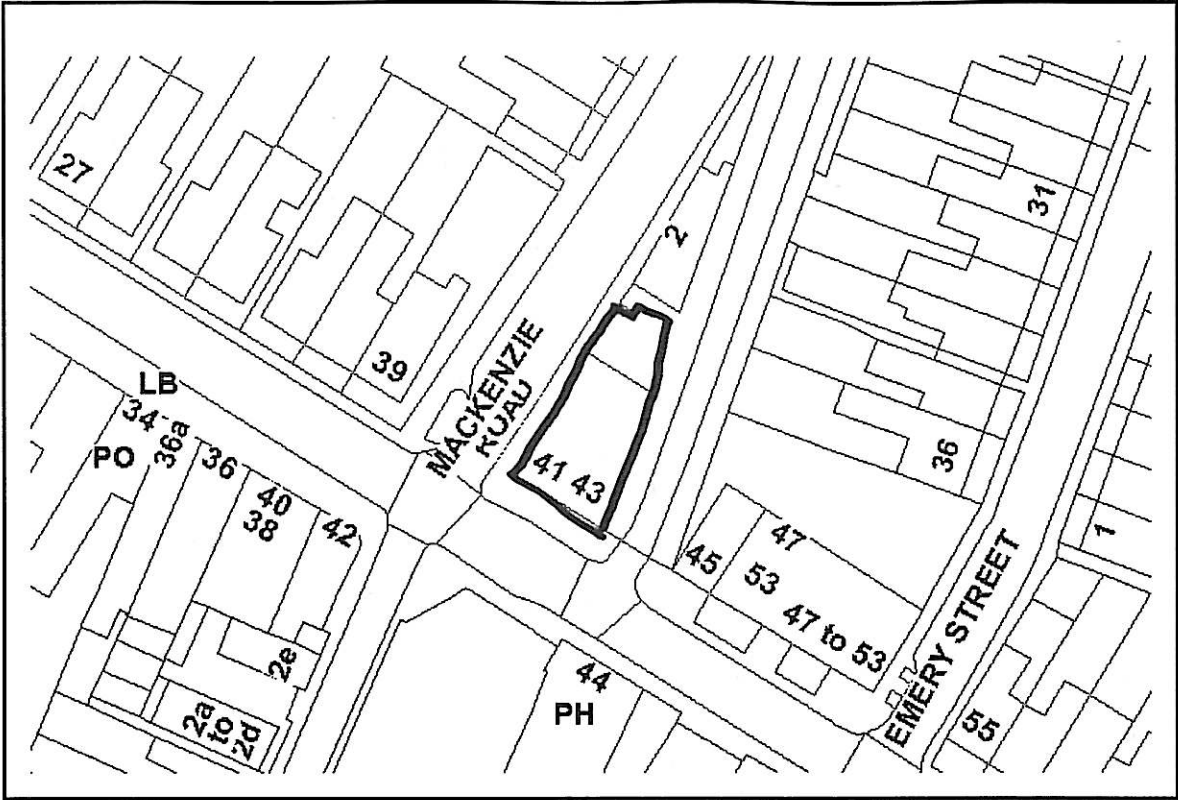
LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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.



41 Mill Road, Cambridge, Cambs CB1 2AW