

Application Number	14/0506/FUL	Agenda Item	
Date Received	4th April 2014	Officer	Mr Toby Williams
Target Date	30th May 2014		
Ward	West Chesterton		
Site Proposal	121 Chesterton Road Cambridge CB4 3AT Proposed conversion of ground and first floor to 1 retail unit (Class A1) (Non Food) (1,227m ² /13,204ft ²) and 2 retail units (Classes A1 (Non Food), A2, A3, A4, A5 and/or D1 medical practitioner use only in the alternative), including ground floor extension (1,078m ² /11,600ft ²). Retention of existing first floor car park (27 spaces). Proposed vehicular access and servicing arrangements from Chesterton Road.		
Applicant	Mr Jim Tarzey c/o Agent United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> -The subdivision of the existing unit into three units and the alternative uses are acceptable -The external works are minor in nature and appropriate -The revised servicing arrangements are acceptable in terms of highway safety
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site is the current Staples store (formerly a garage) located on an island site surrounded by the Mitcham's Corner gyratory. The building comprises two storeys onto Chesterton Road, the upper level accommodating a raised deck 27 space car park

accessed via a ramp from Chesterton Road. From Chesterton Road, views of the car park are shielded by the mansard roof of the site frontage. The building is set well back from the carriageway. Servicing takes place via a hatched area to the front which is accessed over the existing shared path and cycleway. The rear part of the building onto Victoria Road is a shabby collection of degraded single storey buildings which abut a brick sub-station and some ad hoc car parking to the rear of the Lloyds Bank. The bank forms part of the common ownership of the applicant but is not a formal part of the application site.

- 1.2 The site is allocated as proposal site 7.04 in the Cambridge Local Plan (2006) for mixed uses B1a, A1, A2, A3 and housing. The site falls within the recently extended (2012) Central Conservation Area and is identified in the Conservation Area Appraisal as having a negative impact on the character and appearance of the area. The building is not listed or a Building of Local Interest. The site falls within the Controlled Parking Zone and is directly adjacent to the Mitcham's Corner Local Centre.
- 1.3 The Cambridge Local Plan 2014 identifies the site as coming within the Local Centre and allocates it as falling within an Opportunity Area.

2.0 THE PROPOSAL

- 2.1 The proposal can be categorised into 3 main parts:
 1. conversion of ground and first floor to 1 retail unit (Class A1 (Non Food) (1,227m²/13,204ft²) and 2 retail units (Classes A1 (Non Food), A2, A3, A4, A5 and/or D1 medical practitioner use only).
 2. ground floor extension (47sqm).
 3. Alterations to servicing arrangements from Chesterton Road.
- 2.2 The applicants have indicated that Staples plan to stay on site (the corner unit 1) but would occupy a smaller amount of retail space than currently. The remaining space is proposed for two new units and a variety of uses including A1, A2, A3, A4 and/or A5. The A1 uses would be non-food retail uses (see condition 11).

- 2.3 To the front, the proposal would involve the infilling of a cantilevered overhang to provide an additional strip of commercial floorspace in line with the existing brick columns. This would bring the front of the two new commercial units in-line with Staples. To ensure this additional floorspace is accessible, a reconfiguration of the frontage is required to include some ramps and steps as the site slopes up from Chesterton Road. To the front of the ramps would be 26 additional cycle parking spaces. Various minor improvements, including the removal of the red vinyl on the external Staples windows and its replacement with a grey obscuring film, the white painting of the window frames, the re-pointing of the brickwork and the removal of the black panelling onto Victoria Road and replacement with glazing is also proposed. Timber boarding is proposed to cover the existing recess between the substation and Staples at the rear and additional plant for the new commercial units would be located on the roof. A lift would be installed to the existing first floor car park from the corner unit.
- 2.4 In order to accommodate the increased servicing requirements resulting from the subdivision of the existing single unit into three, two different servicing plans are proposed. The first shows a continuation of a servicing area off the highway like that existing. The second shows a dedicated servicing bay from Chesterton Road for vehicles to the front of the site. The second option is that favoured by the applicants and I have assessed the application on this basis. The new bay is designed to accommodate articulated vehicles and would push the existing shared cycle/pedestrian route around it onto the applicant's land. Additional highway is proposed to be dedicated to accommodate the re-routing of the cycle/pedestrian path.
- 2.5 The application is accompanied by the following supporting information:
1. Design and Access Statement
 2. Planning Statement
 3. Transport Statement
- 2.6 Additional supporting traffic and transport information has been submitted by the applicants to address issues raised by the County Council and third parties. Re-consultation has been undertaken accordingly.

3.0 SITE HISTORY

Reference	Description	Outcome
13/0036/FUL & 0079/CAC	Demolition of the existing buildings and the construction of a new building (3-4 storeys) with basement, comprising commercial floorspace at ground floor level (Unit 1 at 930 sq m (Class A1) and Unit 2 at 308 sq m (Class A1, A2 or A3)) and student accommodation (sui generis); with the provision of student accommodation (sui generis) on upper floors comprising 172 no. rooms. Provision of 41 no. car parking spaces at basement level, with ramped access from Chesterton Road. Provision of vehicular servicing bays on Chesterton Road and Victoria Road. Hard and soft landscaping, including tree planting and cycle parking on Chesterton Road. (associated application for demolition is 13/0079/CAC).	W/D
04/1277/S73	Application for relief of Condition 01 of planning permission C/0372/80 to allow "Open" Class A1 retailing.	Dismissed
C/03/1408	Application for relief from condition 01 of planning permission C/0372/80/FP to allow "open" class A1 retailing.	PDE
C/02/0099 and 02/0100	Duplicate applications for the redevelopment to provide new retail unit (1328sqm) new restaurant (476sqm), 23 residential flats and associated works (Duplicate Application).	W/D

3.1 There have been various other planning applications, including many advertisement proposals and applications relevant to the operation of the site as a garage, but these are not relevant to the current proposal.

4.0 PUBLICITY

4.1 Advertisement: Yes
 Adjoining Owners: Yes
 Site Notice Displayed: Yes

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/6 3/7 3/11 3/15 4/11 4/13 4/14 5/1 5/2 5/3 5/4 5/6 5/7 5/8 5/9 /510 5/11 5/12 5/13 5/14 5/15 6/7 6/10 8/2 8/4 8/6 8/9 8/16 10/1

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014
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	Circular 11/95
Supplementary Planning Guidance	Planning Obligation Strategy (March 2010) Public Art (January 2010)
	<u>City Wide Guidance</u> Air Quality in Cambridge – Developers Guide (2008) The Cambridge Shopfront Design Guide (1997)
	<u>Area Guidelines</u> Cambridge City Council (2003)–Northern Corridor Area Transport Plan: Cambridge Historic Core Conservation Area Appraisal (2006) Mitcham’s Corner Area Strategic Planning and Development Brief (2003)

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, the following policies in the emerging Local Plan are of relevance:

- 21 (Mitcham's Corner Opportunity Area)
- 72 (Development and change of use in District and Local Centres)

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 No objection: The servicing lay-by occupies the whole of the public highway. Additional land from the site is required to be dedicated to provide an adequate alternative footway/cycleway. Servicing restrictions should be applied via condition and Traffic Regulation Order.

Cambridgeshire County Council (Transport)

- 6.2 No objection: Further information has been submitted by the applicant to demonstrate the acceptability of the transport impacts of the scheme. The increase in pedestrian and cycle trips during the peak periods is not expected to be significant. The Transport Assessment demonstrates that servicing and deliveries are not expected to increase significantly. Sufficient cycle parking for staff and visitors will be provided.

The County Council requires the following:

- A contribution to be agreed towards the Northern Corridor Area Transport Plan secured through a S106 agreement
- A Travel Plan for all three commercial units secured through a S106 agreement.
- A car parking management plan for all three new commercial units secured through condition.

Head of Refuse and Environment

- 6.3 No Objection: Recommends conditions relating to construction delivery hours, dust, plant noise, odour filtration/extraction and noise insulation.

Urban Design and Conservation team

- 6.4 No Objection: The proposed application is acceptable in design and conservation terms. The new shop front elevations (units 2 & 3) including the glazing and signage placeholders need to clearly define and relate to the width of the proposed units. The application provides an opportunity to resolve areas of existing signage located above the current staples entrance. A smaller entrance sign should be provided to match the proportion of the adjacent signage placeholders. As appropriate the applicant should be requested to make a contribution of £5,000 towards initial travel survey work regarding the delivery of Policy 21 of the Cambridge Local Plan 2014: Draft Submission, in regards to environmental improvements for the proposed Opportunity Area.

Disability Consultative Panel (Meeting of 27 May 14)

- 6.5 The traffic environment around the site is a wholly unsympathetic environment for pedestrians, particularly the vulnerable.
- 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 owner/occupier of the following address has made a representation:

-65 Victoria Road

- 7.2 The representation can be summarised as follows:

- No attempt to improve the appearance of the site
- The existing gyratory layout is hazardous and is not tackled by the applicants
- An opportunity has been missed
- This is a short term plan

- 7.3 An objection has been received from the West Chesterton Labour Party of 63 Gilbert Road. The representation can be summarised as follows:

-No objection to the store being split into three

Serious concerns regarding parking, cycling and traffic are raised:

-A one hour limit on parking will push parking into surrounding streets rather than use of the existing pay and display meters

-There is no substance to the staff and customer travel plan provisions

-It is unclear whether cars will be prohibited from parking in front of the subdivided units as they do currently.

-The servicing bay may result in the dual use cycle and pedestrian path being blocked by servicing cages being trolleyed across.

-Better cycle stands and a greater number of them need to be installed on the frontage.

7.4 A representation has been received from the Friends of Mitcham's Corner (33-35 Victoria Road). The representation can be summarised as follows:

-Most of the proposals will improve what is an unsightly and run-down building but should go further as the changes are mainly cosmetic such as the presentation of windows onto the public realm

-The addition of new businesses to the area is welcome and will reinforce the retail centre

-The proximity of service access doors to the vehicular ramp needs scrutiny and appears unsafe

-Parking of delivery vehicles will reduce visibility of customers exiting the site by car onto the gyratory.

-The proposal will not jeopardise a future master plan for the area.

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. Public Art
4. Renewable energy and sustainability
5. Disabled access
6. Residential amenity
7. Refuse arrangements
8. Highway safety
9. Car and cycle parking
10. Third party representations
11. Planning Obligation Strategy

Principle of Development

- 8.2 The application site lies adjacent to the defined Mitcham's Corner District Centre and currently benefits from an A1 use which is restricted to the sale of office supplies and equipment. The 2006 proposals schedule allocates the site for mixed uses including B1a, Local A1, A2, A3 uses and housing. The proposed local plan 2014 includes the site within the District Centre and also the Mitcham's Corner Opportunity Area.
- 8.3 Within District Centres adopted policy 6/7 is permissive regarding additional development for A1, A2, A3, A4 and A5 uses providing it is appropriate in nature and scale and that loss of an A1 use to these uses does not represent a fall below a 60% A1 threshold. The proposed replacement policy 72 lowers the percentage to 55% and sets out a similar permissive approach to all the A class uses and includes D1 uses, such as healthcare, in the category of uses that may be acceptable within District Centres. Policy 72 also discourages the co-joining of small units into larger units. Proposed policy 21 (Mitcham's Corner Opportunity Area) encourages proposals which 'will deliver local shops and services'. The policy sets out a vision for improving the environmental character of the area by improving the pedestrian/cycling environment with a more active street frontage and place-making philosophy. Policy 21 envisages a master-plan that will guide such development including a transformation of the gyratory system.
- 8.4 In my view, the subdivision of the existing A1 staples unit into three commercial units will provide a greater diversity to this part of the District Centre and better resilience in terms of

potential vacancy. The subdivision will reinforce the vitality of the District Centre. There is no loss of A1 units within the centre and the smaller nature of the units will encourage uses that cater for a more local market. The NPPF and more recent changes to the general permitted development rights of A1 uses, allow a greater flexibility in temporarily switching between use classes without permission. The proposal accords with the thrust of national policy advice regarding a more flexible approach in these circumstances.

- 8.5 Policy 6/10 recognises that A3 (restaurants and cafes), A4 (drinking establishments) and A5 (hot food takeaways) uses will only be permitted where they will not give rise to unacceptable environmental problems or nuisance and where the cumulative impact is acceptable and where the site is in an existing centre.
- 8.6 The Environmental Health officer has not raised any concerns with regard to the environmental impact of any of the proposed uses. Whilst the building is not within the current District Centre it directly abuts it, is on an island site and there are no residential properties immediately adjacent to the units. Conditions have been recommended relating to construction and delivery times, plant noise, odour filtration/extraction. This is to ensure the impact of any particular use is acceptable. I accept the advice from Environmental Health and recommend conditions 3, 4, 5 and 6 accordingly.
- 8.7 In my opinion, the principle of variety of uses is acceptable and in accordance with adopted policies 6/7 and 6/10 and their emerging replacement policies. The Urban Design and Conservation Team have indicated that the applicants should contribute towards emerging policy 21 regarding environmental improvements towards the Opportunity Area. This is to be secured through a s106 agreement. Condition 11 restricts the occupation of any of the units for convenience food retail use given that this particular A1 use class was not assessed as part of the associated Transport Assessment and will typically give rise to a greater trip rate and impact on the surrounding environment.
- 8.8 I have no concerns with the principle of allowing the various uses proposed along with the subdivision subject to appropriate control via conditions and planning obligations.

Context of site, design and external spaces

- 8.9 To the front, the proposal would involve the infilling of the cantilevered overhang to provide an additional strip of commercial floorspace in line with the existing brick columns. This would bring the front of the two new commercial units in-line with Staples. I have no concerns with this aspect of the proposal; it will increase the presence of the units onto the street.
- 8.10 To ensure the additional floorspace is accessible, a reconfiguration of the space in front is required to include some ramps and steps as the site slopes up from Chesterton Road. 22 cycle parking spaces are proposed adjacent to the length of the ramp. A further 4 spaces are provided in front of Staples. Between these spaces and the new lay-by would be the re-routed shared pedestrian and cycle route of 3.5m width. I am content that the revised frontage treatment is acceptable in principle. The applicants are not proposing to alter the existing 'butterfly' cycle racks in front of Staples but I consider this necessary. Condition 8 seeks to ensure that the precise details of the frontage treatment, including materials, finishing and cycle rack design form part of a submission for discharge of condition.
- 8.11 The application proposes to remove the existing red window vinyl coverings and provide new signage. The new signage would be subject to a separate application for advertisement consent. The red vinyl would be replaced with a grey vinyl. The existing window frames would be painted white and the brick-work repaired and repointed. To the rear of the site on Victoria Road, the existing black boards covering the window openings would be replaced with obscured glazing and white powder coated aluminium frames. The unsightly recessed gap for bin storage between the sub-station and the building would be bridged by a larch timber boarded fence. I support these alterations which, whilst only cosmetic, will improve the character and appearance of the Croft Holme Lane and Victoria Road elevations respectively. I do not support the proposed roller shutter for the canted return to unit 1 and have conditioned this out of the proposal (see condition 10). Such provision, whilst not facing directly onto the highway, would have an adverse environmental effect, giving the area a 'dead' appearance and contributing towards the creation of a hostile

environment contrary to the Council's Shopfront Design Guide (1997).

- 8.12 Additional plant areas for units 2 & 3 are proposed within the existing first floor storage areas and include external north facing louvers to allow airflow. The plant would be screened from view by the large pitched roof in front and I have no concerns with its visual impact.
- 8.13 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12 and 4/11.

Public Art

- 8.14 I do not consider that a requirement for public art could reasonably be requested for this proposal or be deemed as necessary to grant planning permission under the Community Infrastructure Levy Regulations 2010.
- 8.15 Whilst this is a major application because of the potential scale of the change of use from A1, the extent of physical works and additional floorspace of 47.6 sqm proposed is minor in nature and falls well below the threshold of 1,000sqm for new floorspace which would normally give rise to the potential for public art as part of new development. ..

Renewable energy and sustainability

- 8.16 If the use classes for units 2 and 3 both alter from A1 it is appropriate for the Council's 10% renewable energy criteria under policy 8/16 to come into effect. Condition 12 requires a renewable energy strategy for units 2 and 3 if there were to be such an occurrence as the energy requirements of other use classes may well be different or indeed exceed those of an A1 occupier. I have discussed this approach with the Council's Sustainability Officer and she is in agreement. Subject to condition 12, the proposal would accord with policy 8/16.

Disabled access

- 8.17 There is currently no lift access to the first floor car park from inside Staples. The application proposes to install a lift to the existing first floor car park from the corner unit 1. The ramps to units 2 and 3 have been designed at 1:12 gradients and will

allow for wheelchair access. I note the comments of the Council's Disability Panel with regard to the unsympathetic nature of the surrounding environment for pedestrians and particularly the vulnerable. This application will ensure that an initial contribution is made towards the realisation of a master-plan to inform the proposed Opportunity Area. Significant physical changes to the gyratory system are beyond the control of the applicants. It would be unreasonable to require wholesale change to the gyratory for the application to be approved.

8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/7.

Residential Amenity

8.19 A3 (restaurants and cafes), A4 (drinking establishments) and A5 (hot food takeaways) uses can give rise to unacceptable environmental problems. In this case the site is adjacent to the district centre and is an island site. There are no residential properties immediately abutting the units. The Environmental Health officer has not raised any concerns with regard to the environmental impact of any of the uses. Various conditions have been recommended relating to plant noise, odour filtration/extraction and noise insulation (see conditions 3-6).

8.20 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 6/7 and 6/10.

Refuse Arrangements

8.21 To the rear, the plans show a shared bin area for units 1 and 2 and a separate bin area for unit 3. The collection of the bins would form part of the management arrangements for the site. The storage capacity provided is in accordance with Cambridgeshire and Peterborough (RECAP) Partnership Guidance 2012. The bins themselves would be located behind timber screening. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.22 The County Council's Highways Officer has not raised any concern with the revised servicing arrangements for the dedicated servicing lay-by put forward by the applicants. Nevertheless, I note that the Friends of Mitcham's Corner have raised highway safety issues that need to be addressed.
- 8.23 The first is that they are concerned about the proximity of the service access doors to the vehicular ramp and that delivery cages may obstruct access up it causing a back-up onto the gyratory. This appears to apply to unit 2.
- 8.24 The second is that the parking of delivery vehicles within the dedicated lay-by will reduce visibility of customers exiting the site by car onto the gyratory. This would appear to be a valid point as servicing currently is further into the site on the private strip.
- 8.25 The Highways Officer has commented that he does not anticipate an issue with the position of the servicing doors because they are positioned clear of the ramp entrance. Regarding the positioning of the lay-by, the two alternatives are to service as currently, where the servicing vehicles would need to cross the footway cycleway, perpetuating the current conflict, or to use a dedicated layby, as proposed. The advice from the Highways Officer is that whilst a servicing vehicle would obstruct visibility for vehicles exiting the ramp this could be controlled by restricting servicing to times when the shops are closed, reducing vehicle conflict on this busy junction.
- 8.26 The planning obligation for the application would include the requirement for a Traffic Regulation Order to be implemented to control use of the new dedicated service bay. Proposed condition 7 controls delivery at the point of access into the building. Condition 9 requires the re-routed pedestrian/cycle path to be built to adoptable standards.
- 8.27 In my opinion, subject to these provisions, the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.28 Cycle parking provision takes the form of 22 cycle parking spaces adjacent to the access ramps and four spaces in front of unit 1.. .
- 8.29 The adopted standards for A1 uses would require at maximum 1 cycle space for every 25sqm up to 1,500sqm and 1 space for every 75sqm thereafter of retail space. The total gross internal floorspace of all three units is 2,285sqm. The standards therefore require some 70 spaces.
- 8.30 In my opinion this matter can be addressed via a suitably worded condition. Whilst it might not be possible to comply with the full standard given the site constraints and the pre-existing low level provision, it appears perfectly possible to improve the proposed layout, for example by ensuring well designed racks are provided outside Unit 1 (retained for Staples) as opposed to the existing butterfly fixings and to require the exploration of hi-low cycle racks adjacent to the ramped entrances to units 2 and 3.
- 8.31 The site currently accommodates 35 car parking spaces of which 27 are on the roof and 8 are at ground level in front of the store (two of which are disabled bays). The amount of car parking would be reduced to 27 which would include 2 disabled spaces on the roof (note a lift is provided within unit 1), removing the ground threshold parking entirely.
- 8.32 The level of car parking is reduced from that at present but the adopted standards do not require a maximum level of provision and the site is located in a highly sustainable location. The applicants intend to manage the car parking to limit stays to 1 hour which would be monitored and possibly enforced if there are consistent breaches. These arrangements are a private matter for the commercial occupiers but I am satisfied the level of provision is appropriate given the highly sustainable location of the site and smaller size of the units in question.
- 8.33 In my opinion subject to conditions the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

8.34 I summarise the third party representations in the table below together with my responses to them.

Gyratory is hazardous	The issues posed by the existing gyratory are recognised in the Transport Statement and by the County Council. Significant change is signalled in the proposed designation of the Mitcham's Corner Opportunity Area. The application cannot resolve these issues singlehandedly. See paragraphs 8.7 and 8.16. NCAPT contributions and contributions towards assessment work associated with the allocation as an Opportunity Area are sought to mitigate impact.
This is a short-term plan	The applicants acknowledge that following an unsuccessful previous comprehensive redevelopment proposal the current scheme is a short-medium term proposal. There are no planning policy grounds to resist such an approach.
Parking pushed into surrounding streets	Most surrounding streets are within the CPZ and there is unlikely to be significant overspill car parking given that the reduction of off street parking is quite low. The overall floorspace provided has only increased by 47sqm.
No substance to the staff and customer travel plan provisions	The details of the Travel Plan provisions will be worked up in consultation with the County Council. Better cycle parking provision is made.

Car parking prohibition in front of the subdivided units	To be secured through the Traffic Regulation Order (TRO) and hard landscaping provisions.
Blockage of the cycle and pedestrian path by servicing cages	This may occur to a limited extent but servicing is to be outside opening hours and the proposed arrangements are significantly better than those currently in operation.
Service access door proximity vehicular ramp	See paragraphs 8.21 – 8.26
Parking of delivery vehicles will reduce exit visibility	See paragraphs 8.21 – 8.26
Better and more cycle stands required	See condition 8
Changes to building are cosmetic, should go further.	See paragraph 8.11

Planning Obligation Strategy

Planning Obligations

8.35 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

and relevant Supplementary Planning Documents. The proposed development triggers the requirement for the following community infrastructure:

Transport

8.36 Contributions towards catering for additional trips generated by proposed development are sought where 50 or more (all mode) trips on a daily basis are likely to be generated. The site lies within the Northern Corridor Area Transport Plan where the contribution sought per trip is £399.

8.37 The applicants have submitted a transport assessment and a supplementary addendum on which the following assessment of additional trips and contributions is based. I am awaiting feedback from the County Council Transport Team on the acceptability of the additional information submitted to confirm the NCAPT levels for the following combination of uses.

-NCAPT contribution with units 2 and 3 A1:

£102,848.83

-NCAPT contribution with units 2 and 3 A1 and A3: £87,261.30

-NCAPT contribution with units 2 and 3 A1 and D1: £55,744.29

8.38 Subject to the completion of a S106 planning obligation to secure this infrastructure provision and agreement with the County Council, I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 8/3 and 10/1 and the Planning Obligation Strategy 2010.

Opportunity Area

8.39 The Urban Design and Conservation team has requested that the applicants of this site and of 1 Milton Road opposite, each contribute £5,000 towards supporting the future design and delivery of the Opportunity Area. The joint contribution would initially be used towards two full days of traffic and transport survey work to inform later micro-simulation models for Mitcham's Corner and design options for the revised gyratory. I consider this request entirely reasonable. Whilst emerging policy 21 carries little weight, the Mitcham's Corner Area Strategic Planning and Development Brief (2003) recognises the problems associated with the gyratory as do a number of the third party representations. These initial contributions are

the first stage in generating a baseline information set to proceed further. In my view this contribution meets the CIL tests because it is directly related to the proposed development, is fairly and reasonably related in scale and kind to the proposed development and necessary to allow the development to be satisfactorily integrated into the surrounding area..

Travel Plan

- 8.40 Cambridgeshire County Council Transport Team has indicated that all the units should be subject to Travel Plan and a Car Parking Management Plan. Both are required to be agreed prior to occupation of any unit and can to be secured through the s106 agreement.

Monitoring

- 8.41 The Planning Obligation Strategy (2010) requires that all new developments contribute to the costs of monitoring the implementation of planning obligations. It was agreed at Development Plans Scrutiny Sub- Committee on 25 March 2014 that from 1 April 2014 monitoring fees for all financial and non-financial planning obligations will be 5% of the total value of those financial contributions (up to a maximum of £50,000) with the exception of large scale developments when monitoring costs will be agreed by negotiation. The County Council also requires a monitoring charge to be paid for County obligations in accordance with current County policy
- 8.42 For this application a monitoring fee of £250 is required to cover monitoring of City Council obligations plus the County Council monitoring fee.

Planning Obligations Conclusion

- 8.43 It is my view that the planning obligation is necessary, directly related to the development and fairly and reasonably in scale and kind to the development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010.

9.0 CONCLUSION

- 9.1 This application can be categorised into a relatively modest set of three individual proposals:
- 9.2 The first, is to create three smaller commercial units from the existing unit. This is acceptable in principle and the range of different uses is appropriate.
- 9.3 The second, includes a ground floor extension (47sqm) and a cosmetic tidying up of the external appearance of the building. Whilst not offering a comprehensive redevelopment of the site, the alterations go some way to improving the appearance of the building within the Conservation Area.
- 9.4 The third and perhaps the most significant, is the alteration to the servicing arrangements from Chesterton Road. This has been examined in detail by the Highways Officer and they have offered their support to the proposal subject to a TRO and conditions.
- 9.5 On this basis, and subject to planning conditions and planning obligations, I recommend approval.

10.0 RECOMMENDATION

APPROVE subject to completion of the s106 Agreement and 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 development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

3. Except with the prior written agreement of the local planning authority 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 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: To protect the amenity of the adjoining properties.
(Cambridge Local Plan 2006 policy 4/13)

5. The rating level from all plant, equipment and vents etc (collectively) associated with this application should be less than or equal to the existing background level (L90) at the boundary of the premises subject to this application and having regard to noise sensitive premises in accordance with BS4142:1997.

In the interests of residential amenity (Cambridge Local Plan policy 4/13)

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

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

7. No deliveries shall be accepted at any unit whilst access to the ramped car park is open for customers to park. Prior to the commencement of development, measures to ensure that access to the car park is restricted whilst servicing is taking place shall be submitted to and approved in writing by the local planning authority. The measures and operation of the car park shall accord with the approved details unless alternative measures and or servicing times are agreed in writing by the Local Planning Authority which are acceptable in terms of highway safety and which accord with the provisions of any Traffic Regulation Order in place.

Reason: In the interests highway safety given that the positioning of servicing vehicles within the new lay-by will obstruct visibility for vehicles exiting from the upper level car park and to reduce conflict between pedestrians and cyclists and servicing cages etc. across the shared pedestrian/cycle path (Cambridge Local Plan policies 8/3, 8/4 and 8/9).

8. Prior to the commencement of development, a hard landscaping plan detailing the surface treatment and arrangement and type of cycle stands in front of units 1, 2 and 3 shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of units 2 and 3.

In the interests of providing additional and better cycle parking provision and in the interests of ensuring robust and high quality surfacing materials (Cambridge Local Plan 3/4, 3/7, 3/11.).

9. Prior to the commencement of development, detailed plans including cross-sectional and construction details of the proposed articulated vehicle lay-by and re-routed 3.5m pedestrian and cycle route as per plan 1583-PL011 B to demonstrate that the works would be carried out to an adoptable standard, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out prior to the occupation of units 2 and 3.

Reason: In the interests highway safety (Cambridge Local Plan policies 8/3, 8/4 and 8/9).

10. Notwithstanding the approved plans, the external roller shutters shall not be installed on the canted return to unit 1 or on any shopfront to units 1, 2 or 3.

Reason: To ensure that the shop fronts continue to appear attractive and animate the street. The proposed roller shutter, whilst not facing directly onto the street, would have an adverse environmental effect, giving the area a 'dead' appearance and contributing towards the creation of a hostile environment contrary to Cambridge Local Plan 2006 policies 3/4, 3/7 and 3/15 and the Shopfront Design Guide 1997.

11. Notwithstanding the provision of the Town and Country Plan (Use Classes) Order 1987 (as amended), the proposed A1 uses shall be for non-food retail purposes only.

Reason: The traffic and transport implications of allowing A1 convenience food retail uses on the site have not been assessed as part of the submission packages and are likely to give rise to significantly different patterns of use, including greater servicing and customer parking demands and greater vehicular traffic to and from the site, which are likely to be unacceptable to the Council in terms of trip generation on the gyratory, its subsequent effects on the surrounding environment and highway safety. As such, allowing unrestricted A1 uses would be in conflict with policies 3/4, 3/7, 8/2 and 8/3 of the Cambridge Local Plan 2006, emerging policy 21 of the proposed Cambridge Local Plan 2014 (Mitcham's Corner Opportunity Area) and the Mitcham's Corner Area Strategic Planning and Development Brief (2003).

12. Prior to both units 2 and 3 changing from A1 to other uses, a renewable energy statement, which demonstrates that at least 10% of the development's (meaning units 2 and 3) total predicted energy requirements will be from on-site renewable energy sources, shall be submitted to and approved in writing by the local planning authority. The statement shall include the total predicted energy requirements of the development and shall set out a schedule of proposed on-site renewable energy technologies, their respective energy contributions, location, design and a maintenance programme. It shall also include an assessment of any air quality noise or odour impact and mitigation measures required to maintain amenity and prevent nuisance in accordance with the Council Sustainable Construction and Design Supplementary Planning Document to be submitted in writing and agreed with the LPA prior to installation. The approved renewable energy technologies shall be fully installed and operational prior to the use of both of the units for A2, A3, A4, A5 or D1 uses and shall thereafter be maintained and remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of reducing carbon dioxide emissions and to ensure that the development does not give rise to unacceptable pollution. (Cambridge Local Plan 2006 policies 4/13 and 8/16).

INFORMATIVES

Dust informative

The construction phase may give rise to dust and therefore the applicant is advised to ensure that appropriate measures are employed to minimise the spread of airborne dust from the site. Further guidance can be obtained from:

Councils Supplementary Planning Document Sustainable Design and Construction 2007:
https://www.cambridge.gov.uk/sites/www.cambridge.gov.uk/files/documents/SustainComSPD_WE B.pdf

Guidance on the assessment of dust from demolition and construction http://iaqm.co.uk/wp-content/uploads/guidance/iaqm_guidance_report_draft1.4.pdf
Control of dust and emissions from construction and demolition
- Best Practice Guidance produced by the London Councils:

http://www.london.gov.uk/thelondonplan/guides/bpg/bpg_04.jsp

Plant noise insulation

To satisfy the plant element of the noise insulation condition the rating level (in accordance with BS4142:1997) from all plant, equipment and vents etc (collectively) associated with this application should be less than or equal to the existing background level (L90) at the boundary of the premises subject to this application and having regard to noise sensitive premises.

Tonal/impulsive noise frequencies should be eliminated or at least considered in any assessment and should carry an additional 5 dB(A) correction. This is to guard against any creeping background noise in the area and prevent unreasonable noise disturbance to other premises. This requirement applies both during the day (0700 to 2300 hrs over any one hour period) and night time (2300 to 0700 hrs over any one 5 minute period).

Odour Informative

To satisfy standard condition C60 (Odour/Fume Filtration/Extraction), details should be provided in accordance with Annex B and C of the, Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems, prepared by Netcen on behalf of Department for Environment, Food and Rural Affairs (DEFRA) dated January 2005 available at:

<http://webarchive.nationalarchives.gov.uk/20130123162956/http://www.defra.gov.uk/environment/quality/noise/research/kitchenehaust/documents/kitchenreport.pdf>

Licensing

If the premise is intended to provide alcohol at any time or regulated entertainment/food after 11pm or before 5am it may 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.

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). The applicant is reminded that under the terms of the s106 Agreement you are required to notify the City Council of the date of commencement of development.

2. Unless prior agreement has been obtained from the Head of Planning, in consultation with the Chair and Spokesperson of this Committee to extend the period for completion of the Planning Obligation required in connection with this development, if the Obligation has not been completed by 5 November 2014, or if Committee determine that the application be refused against officer recommendation of approval, it is recommended that the application be refused for the following reason(s):

-The proposed development does not make appropriate provision for transport mitigation measures and opportunities to contribute towards the emerging Opportunity Area in accordance with Cambridge Local Plan 2006 policies 3/7, 8/3 and 10/1 and as detailed in the Planning Obligation Strategy 2010, the Northern Corridor Area Transport Plan 2003, and the Mitcham's Corner Area Development Brief 2003.

3. In the event that the application is refused, and an Appeal is lodged against the decision to refuse this application, delegated authority is sought to allow officers to negotiate and complete the Planning Obligation required in connection with this development