

Application Number	14/0966/FUL	Agenda Item	
Date Received	13th June 2014	Officer	Mr Tony Collins
Target Date	8th August 2014		
Ward	Petersfield		
Site	Mickey Flynns American Pool 103 Mill Road Cambridge CB1 2AZ		
Proposal	Change of use from Pool & Snooker Club to A2 (Financial & Professional Services), A3 (Restaurant & Cafes) and A4 (Drinking Establishments) in the alternative.		
Applicant	Dawecroft Ltd		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The loss of the existing leisure facility does not cause conflict with Policy 6/1 of the Cambridge Local Plan 2006. (The Inspector in the last appeal decision on this site has ruled that WT's on East Road provides another appropriate premises of similar accessibility for users)</p> <p>The introduction of Class A1, A2, A3 and A4 uses to this site would not cause conflict with any policy in the Cambridge Local Plan 2006.</p> <p>The highway authority has advised that the proposal would not cause any significant threat to highway safety.</p>
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site is located on the north side of Mill Road, between Gwydir Street and Kingston Street. The building is single-storey, constructed of brick with a corrugated sheet roof. The site lies to

the east of the Bath House, and is set back from the street frontage. The Gwydir Street car park lies behind and partly to the west side of the building. The curtilages of terraced houses in Kingston Street abut the application site at its north-east corner, but the area is mixed in use, with many retail premises in Classes A1, A2 and A3 on both sides of Mill Road at this point.

- 1.2 The site lies within the area defined as Local Centre 20 (Mill Road West) in the Cambridge Local Plan (2006). It also lies within the Mill Road section of the City of Cambridge Conservation Area No.1 (Central). The Mill Road Conservation Area Appraisal 2011 identifies the application building as a negative feature in the conservation area.
- 1.3 There are no trees on the site.
- 1.4 The site lies within the controlled parking zone. There are loading/unloading restrictions on both sides of Mill Road in this area.
- 1.5 Since about 2001, the building has been operated as a pool hall (Mickey Flynn's). The club is owned by Dawecroft, which also operates a snooker club in first-floor premises at 39b Burleigh Street (WT's). The existing planning permission for pool hall use on the application site has a condition attached, which precludes change to any other Class D2 use without specific planning permission.

2.0 THE PROPOSAL

- 2.1 The application seeks permission for change of use to Classes A2 (financial and professional services), A3 (cafés and restaurants) or A4 (drinking establishments) in the alternative. No changes to the building are sought. It is important to note that change to Class A1 (retail) use from Class A2, A3, or A4 is a change which has general permission under the Town and Country Planning (General Permitted Development) order 1995 (as amended) and would therefore not require a planning application.
- 2.2 The principal difference from the previous application 12/1071/FUL which was refused permission by East Area Committee, and on which an appeal was dismissed by the Inspectorate, is that a revised arrangement for a delivery bay is submitted. It is proposed that deliveries to the site be restricted to 7.5 tonne box vans or

smaller. Such vehicles have a maximum length of 8m. To accommodate such vehicles, a delivery bay occupying part of the footway is proposed. The bay surface would be level with the footway and the line of the footway itself would then run behind this bay. When the bay was not in use for deliveries, the bay surface could be used as additional footway. Drawings of this bay are included in the applicant's transport statement.

3.0 SITE HISTORY

3.1

Reference	Description	Outcome
85/0911	Change of use from A1 shop to snooker club	Refused
00/0339	Redevelopment to provide A1 retail space with 35 student rooms above	Withdrawn
00/0340	Demolition	Withdrawn
00/1226	Refurbishment of existing A1 retail, including new roof, repair of brickwork and new shopfront	Approved with conditions
01/0862	Change of use from A1 shop to snooker club	Approved with conditions
01/0938	Alterations including new roof, new windows, external cladding and mezzanine floor	Withdrawn
02/0597	Erection of canopy	Approved with conditions
02/0598	Signage	Approved with conditions
05/0870	Variation of condition of 01/0862 to permit longer opening hours	Withdrawn
05/1066	Variation of condition of 01/0862 to permit longer opening hours	Approved with conditions
11/0710	Change of use from Pool Hall (Use Class D2) to a Sainsbury's Local Store (Use Class A1) together with external alterations.	Refused
12/1071	Change of use from Pool and Snooker Club to A1 (Shops), A2 (Financial and Professional Services), A3 (Restaurant and	Refused: appeal dismissed

	Cafes), and A4 (Drinking Establishments) in the alternative.	
14/0964	Change of use to A1	Under consideration

3.2 A number of conditions were attached to the permission allowing change of use from A1 retail to D2 pool hall (01/0862/FUL). Condition 2 limits the use to a members-only snooker and pool club, allowing no other use within Class D2. The reason given for this condition is 'to ensure that the levels of movements are within the levels anticipated in the application, and not excessive for the area' Condition 4 limits the opening hours: 8am to midnight.

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	4/11	4/12	6/1	6/7	6/8	6/10	8/2	8/6	8/9	8/10

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 Circular 11/95
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Supplementary Planning Guidance	Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012) Planning Obligation Strategy (March 2010)
	<u>City Wide Guidance</u> Cambridge Walking and Cycling Strategy (2002) Cambridgeshire Design Guide For Streets and Public Realm (2007) Buildings of Local Interest (2005)
	<u>Area Guidelines</u> Cambridge City Council (2002)–Eastern Corridor Area Transport Plan: Mill Road Area Conservation Area Appraisal (2011)

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:

- 23 Mill Road Opportunity Area
- 72 Development and change of use in district, local and neighbourhood centres
- 73 Community, sports and leisure facilities

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

Initial advice (18th July 2014)

6.1 Insufficient transport information provided in respect of the following issues:

- | | |
|--|--|
| <input type="checkbox"/> Local car parking | in travel to the development |
| <input type="checkbox"/> Pedestrian catchment area | <input type="checkbox"/> Up-to-date multimodal traffic flows |
| <input type="checkbox"/> Walking routes | <input type="checkbox"/> Traffic speeds |
| <input type="checkbox"/> Nearby opportunities for crossing the carriageway | <input type="checkbox"/> Extent and modal split of trips to the proposed development |
| <input type="checkbox"/> Cycling catchment and cycle routes | <input type="checkbox"/> Junction capacities |
| <input type="checkbox"/> Realistic assessment of role of bus and rail travel | <input type="checkbox"/> Mitigation measures |
| | <input type="checkbox"/> Travel plan |

Second advice (7th August 2014)

6.2 Awaiting further information from applicant in response to earlier concerns.

6.3 Servicing layby design has been discussed with safety auditor. Highway authority is satisfied that, subject to detailed design, it does not cause a threat to highway safety.

Third advice (13th October 2014)

6.4 Satisfied with additional transport information. No contributions to ECATP required.

Fourth advice (13th October 2014)

6.5 With regard to the proposed delivery bay the highway authority responds as follows to specific issues raised by objectors.

- The delivery bay is seen as a reasonable solution to the issue of accommodating deliveries and, subject to detailed design is acceptable to the Highway Authority. The layout is such that a 7.5 tonne box van (8 metres long), of a suitable size to service the proposal, can use the facility.
- Whilst this facility will be within public highway and so will be available to other local businesses, the applicant's use can be restricted by planning condition to the intended size of vehicle, whilst providing a general benefit to other local businesses. It is recommended that such a condition be imposed. These businesses would otherwise service their businesses as currently and may continue to do so, however the opportunity is provided and so no significant net disbenefit would, in the Highway Authority's opinion, accrue.
- The methodology of collection of the accident records for the area has been queried; however the accident records used are a standard recording tool that provides empirical data upon which to form an opinion. No other empirical data has been submitted and so the accident statistics provided are considered to form the best data upon which to comment.
- The issue of visibility exiting Kingston Street has been raised. However, servicing on this frontage already impedes visibility, as is the case in numerous locations on Mill Road.
- The impact of the loading bay proposed could not be demonstrated as providing significant additional detriment to the safety of highway users.
- It has been raised that the tracking program used to model the swept path of the vehicle does not allow for human error, or minor variations in the dimensions of servicing vehicles. This is true; however such tools are widely accepted within the industry and have been accepted in appeal evidence as suitable for providing a basis for assessment. The programs provide an indication of what can be achieved by a driver of reasonable

skill driving with due care and attention. An assessment based upon use of the program is considered acceptable and indicates, in general terms what can be achieved. It is not expected that all vehicles and all drivers will make identical movements.

- It has been suggested that use of the loading bay would be illegal. This would not be the case if the loading bay were established by an appropriate TRO, and, indeed, such loading bays exist in many locations, including, in the City of Cambridge, on Bridge Street and Magdalene Street.
- It is asserted by the objector that the layby requires an unacceptable deviation on the part of pedestrians to by-pass the obstruction. The deviation required to get around the vehicle would add an additional 6 metres to a pedestrian's route and the Highway Authority does not consider this as constituting unreasonable imposition.
- A request has been made that any proposed layby be subject to further consultation. The planning process does not make provision for such a consultation process.

Head of Refuse and Environment

- 6.6 No objection, subject to conditions on construction hours, noise insulation and waste storage and collection.

Urban Design and Conservation

- 6.7 The Conservation team have not commented on the applications for change of use as these do not include external alteration of the building and because issues of the effect on the viability of the local centre and on leisure facilities were considered by the previous appeal inspector.
- 6.8 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 Representations objecting to the application have been received from the owners/occupiers of the following addresses:

24 Abbey Road (2)	36 Lyndewode Road
8 Argyle Street	109 Mawson Road
83 Brampton Road	57 Mill Road
98 Brampton Road	100-102A Mill Road
3 Catharine Street	104A Mill Road (3)
78 Cavendish Road	5 Ross Street
111A Cavendish Road	1 Sedgwick Street
14 Cockburn Street (3)	13 Sedgwick Street
34 Ditchburn Place	52 Sedgwick Street
6 Edward Street	41 Janes Court, Seymour Street
6 Eltisley Avenue	56 St Barnabas Road
15 Glenmere Close	58 St Barnabas Road (2)
6 Golding Road	62 St Barnabas Road (2)
14 Grasmere Gardens	83 St Phillips Road
38 Great Eastern Street	6 Sturton Street
163 Gwydir Street	9 Tenison Avenue
Unit 6 Dales Brewery, Gwydir Street	29 Tenison Road
45 Kingston Street	140 Thoday Street
47 Kingston Street	54 William Smith Close
62 Kingston Street	31 Butt Lane, Milton

7.2 Representations objecting to the application have also been received from the following organizations:

Cambridge Muslim Trust
Cambridge Cycling Campaign
Mill Road Society
South Petersfield Residents' Association

7.3 The representations can be summarised as follows.

- The application seeks a broad and unspecific change of use for A1, A2, A3 and A4 uses.
- The uses would conflict with the character of the street, which are smaller independent traders.
- The A1 use could be used for a supermarket chain store which would have servicing problems.

- This site is larger than usual on Mill Road.
- The application if approved would result in the loss of the only leisure facility on Mill Road.
- The servicing of the site would result in vehicles stopping on Mill Road causing significant obstructions and highway safety issues.
- The application makes no provision for car parking and would increase parking pressures in the area.
- The application provides no detail concerning noise impacts from external venting, refrigeration and air conditioning units, or from deliveries.
- The application makes no provision for waste and cage storage.
- Another supermarket chain convenience store would be a threat to the vitality and viability of the Mill Road Centre.
- Mill Road already has too many drinking establishments and antisocial drinking. The A4 element should be resisted.
- There is no rear (or side) access to the property and this means that all waste would have to come through the building for storage and collection from the front. This would be unsightly and would cause obstruction of the pavement.
- The proposed parking bay would be insufficient for the size of many delivery lorries – the majority of which are over 10m. There is no correlation between the size of premises and size of delivery vehicle. Small shops often have large delivery vans.
- Reassurances about the size of delivery vans cannot be made as there is no end user.
- If the parking bay is occupied by a lorry, this will make wheelchair and pram access very awkward. No account is taken of the lamp-post which is in the middle of the pavement.
- As the proposed loading bay is on the public highway it cannot be restricted solely to the servicing of 103 Mill Road. It is likely that it will be used for servicing the premises opposite and will lead to goods being transported across the highway. The proposed loading bay will also be a magnet for short term unlawful parking.
- Deliveries could be made from the east which would involve a dangerous manoeuvre on Mill Road and would increase congestion.
- The change of use would increase the volume of lorries on Mill Road with the corresponding increase in pollution, deterioration in air quality, additional damage to road surfaces and greater risk of accidents to all road users.

- The application would increase dangerous and illegal parking in the vicinity.

7.4 A petition has also been received in objection to the proposals containing 79 signatures from independent traders on Mill Road.

7.5 The petition raises the following points:

- The pool hall offers the only leisure facility on Mill Road and supports the promotion of mixed use on the high street.
- To replace this should be subject to the demonstration of need, that a sequential approach has been adopted, that there will not be an adverse impact on existing centres, and that transport and environmental matters have been considered according to the Cambridge Local Plan.
- Need – the Petersfield section of Mill road has twice the national average of convenience stores. Closure of any shop affects the look and feel of the area. Specialist stores on Mill Road have closed following the opening of Tesco.
- Transport – Any A1 store would require regular loading or servicing by making deliveries to the front of the store or via the proposed service bay, on a crowded and dangerous section of Mill Road. This is inappropriate in scale and against the Council's overriding commitment to sustainability.
- The service bay involves the re-routing of an existing footway and obscures the pedestrian desire line.
- Contrary to the suggestion none of the streets that operate a shared servicing space are directly comparable to Mill Road in character, highway width or restrictions on usage. Magdalene Street and Bridge Street are closed to unauthorised traffic enforced by retracting bollards, the shared space servicing Bridge Street has been created by narrowing of the carriageway. Sidney Street is a pedestrian zone created by the closure of the highway to all traffic, save pedestrians and cyclists other than at specified hours for authorised vehicles.
- Independent reviews by the competition Commission and the House of Commons All-Parts Small Shops Group, both show the negative impact of supermarket chains on Britain's high streets, with the closure of a third of all convenience stores since 2000.
- As independent traders we do more than supply a specific service to our customers, we also make a contribution to the vitality of the Mill Road area. Money spent at independent

shops continues to circulate locally, supporting a range of jobs from window cleaners to accountants. Supermarkets make use of large cleaning, accountancy and other business service companies from outside the area, and this money is lost to the local economy. Self-service check outs are hardly a recipe for job creation.

- Councillors should consider the financial impact on the whole area and not on the financial interest of one A1 retailer. All independent traders stand to lose either directly or indirectly. Mill Road was one of the high streets left in the UK without the presence of big supermarket chains. If Councillors are truly committed to their own Local Plan they should be defending the 'vitality and viability' of the unique and diverse independent shops presently on Mill Road.

7.6 A public survey about the proposed loading bay has also been submitted by Cambridge Cycling Campaign. The survey has 71 respondents. With only a few exceptions, these respondents indicate: that they believe that the insertion of the proposed loading bay would worsen cycle safety, that they believe it would make things worse for pedestrians and those in wheelchairs, and that they believe it would be better to leave the situation as it is.

7.7 Representations supporting the application have been received from the owners/occupiers of the following addresses:

91 Arbury Road
13 Beaumont Road
17 Bridge Street
50 Brooks Road
38 Devonshire Road
101 Ditton Fields
60 Ditton Lane
84 Foster Road
20 Gilpin Place
4 Godwin Close
9 Hollymount, St Matthews
St
19 Kerridge Close
98 King Street
39 Lovell Road
90 Mill Road
31 Park Road

51 Perse Way
86 Vinery Road (2)

7.8 The representations can be summarised as follows.

- More choice of shops is welcomed.
- Change of use will not add to traffic.
- Mill Road does not need a leisure facility.
- The change of use to A1 would hopefully lead to regeneration of Mill Road on a small/medium scale.
- Mill Road does not get the foot trade it used to and is now congested by traffic.
- This change of use would provide a valuable loading bay to Mill Road which would improve Highway Safety. HGV's currently park across the road and pavements at busy times, obscuring views of both road and foot traffic.
- Unnamed occupiers are not grounds for refusal.
- It makes sense to give this venue a new lease of life. There are alternative facilities in the vicinity for those wishing to play pool or snooker.
- The current application is much improved and the applicants have listened to previous concerns.
- Support the application so long as it is not another take away.
- Mickey Flynn's used to be a carpet warehouse and so was previously an A1 use.
- This change of use would not be detrimental to other businesses on Mill Road.

7.9 A second petition of 47 signatures has been submitted by the applicants, mostly from traders on Mill Road, supporting the proposal. 35 of those signing indicate that they had been misled when they previously signed the petition described above opposing the proposal.

7.10 A survey containing 302 signatures, has also been submitted by the applicants. All the signatories indicate that they regard the proposed delivery bay as an improvement on the existing situation.

7.11 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: loss of leisure facilities
2. Principle of development: impact of retail uses
3. Impact on the conservation area
4. Disabled access
5. Residential amenity
6. Refuse arrangements
7. Highway safety
8. Car and cycle parking
9. Third party representations
10. Planning Obligation Strategy

Principle of Development; loss of leisure facilities

8.2 In his decision on the previous appeal on this site, the Inspector made the following statements.

I am satisfied that WT's would provide an adequate and suitably located alternative to the leisure facilities at the appeal premises ... satisfy[ing] the aims of local plan policy 6/1.

There is no firm evidence to suggest that the appeal proposal would lead to a shortfall in leisure facilities generally in this part of the city. Therefore I am not persuaded that the notional possibility of attracting and obtaining planning permission for, an unspecified alternative leisure use provides a robust justification for withholding permission.

Whilst there has been significant local opposition to the appeal proposal, the number of objectors who have identified themselves as members of the club, and therefore derive value from it, is quite small. Moreover, I have already concluded that the pool and snooker

facilities available at the premises are not of the 'day-to-day kind'. Therefore, I consider that its loss would not be contrary to the aims of Paragraph 70 of the Framework.

- 8.3 The Inspector's decision is a material consideration which carries considerable weight. In the light of this decision, the principle of the loss of the leisure facility must be considered acceptable and in accordance with both policy 6/1 of the Cambridge Local Plan 2006, and Paragraph 70 of the Framework. Policy 73 in the emerging local plan closely replicates the criteria for loss of leisure facilities contained in the current plan. I do not consider that it would justify any reassessment of the Inspector's ruling.

Principle of Development: impact of retail uses

- 8.4 In his decision on the previous appeal on this site, the Inspector underlined the fact that policy 6/7 favours the increase of Class A1 uses in the local centre.
- 8.5 Local plan policy supports new A2, A3 and A4 uses in local centres unless they are conversions from Class A1. The only exceptions are if the proposal would not serve the local community or would not be of an appropriate nature or scale for the centre (Policy 6/7) or, in the case of Class A3 and A4 premises, if the use would be likely to give rise to unacceptable environmental problems or nuisance, or have an unacceptable cumulative impact (Policy 6/10). I deal with these three issues below.
- 8.6 The emerging local plan defines Classes A1, A2 A3 and A4 as acceptable uses in local and district centres provided they meet four tests: being in proportion to the scale and function of the local centre, maintaining the viability and vitality of the centre, having an active frontage, and avoiding a harmful impact through smell, litter, noise or traffic. I also deal with these issues below.

Appropriateness of nature and scale

- 8.7 Representations have suggested that the size of this unit is such that retail use of the site would be of an inappropriate scale and nature. I do not accept this view. The premises were previously used for A1 without apparently causing problems.

There are also other units within the two Mill Road local centres which are well above the standard shop size in the street. It is evident that the concerns expressed about the size of the unit are generated primarily by anxiety that the premises would be occupied by one of the major supermarket chains. Policy 6/8 of the Cambridge Local Plan 2006 does not provide support for new convenience shopping of over 1400m² net, but this building falls well below that limit at 383m². At this scale, neither local plan policy nor national policy guidance provide any basis for discriminating between different shop uses within the A1 class on the basis of ownership, range of goods or trading practices, and the possibility of use by a supermarket would not justify refusal of the application.

- 8.8 I do not consider that the size of these premises would render A2, A3 or A4 use inappropriate. Larger premises do not necessarily mean a large number of customers, but the nature of the site and the limited opportunities for car parking in the area mean that a high proportion of any increased visits to the premises are likely to be made by foot or cycle. I do not consider that this would create an unacceptable impact. I do not consider that the size of the unit would give rise to a harmful impact on the viability or vitality of the local centre. The proposed use would have an active frontage on Mill Road through its entrance.

Environmental problems, nuisance and cumulative impact

- 8.9 The Inspector in the previous appeal on this site considered the question of A3 and A4 use. He ruled that both noise attenuation and delivery times could be controlled by conditions, and stated:

With such conditions potentially in place, and in the absence of firm evidence to the contrary, there is no good reason to believe that the proposed A3 or A4 uses would have a harmful effect on the living conditions of neighbouring occupiers, traffic, or the environment. Therefore, it would not conflict with [...] policy 6/10.

This judgement is an important material consideration, which carries considerable weight, and I do not consider that there have been any changes in planning circumstances since that decision which would lead to a different conclusion

- 8.10 In my view, the principle of retail use of this site, in the A1, A2, A3 or A4 categories is acceptable. It would accord both with policies 6/7, 6/8 and 6/10 of the Cambridge Local Plan 2006, and with central government guidance on building a competitive economy and promoting healthy communities in Paragraphs 19, 21 and 70 of the Framework.

Impact on the conservation area

- 8.11 The urban design and conservation team have considered the application and concluded that it requires no comment on their part. I accept this advice. The application proposes no changes to the building, and I do not consider that the change of use would have a harmful impact on the character of the conservation area.
- 8.12 In my opinion the proposal would not have a harmful impact on the conservation area, and is compliant with Cambridge Local Plan (2006) policy 4/11.

Disabled access

- 8.13 The site has level access. No changes are proposed. I do not consider that the proposed delivery bay is in conflict with Council policy on disabled access.
- 8.14 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/7.

Residential Amenity

- 8.15 No changes are proposed to the exterior of the building. The proposal has the potential to have an impact on surrounding residential properties through noise. As I have indicated above, the Inspector in the earlier appeal on this site was satisfied that this issue could be addressed by condition. I agree with this view, and have recommended conditions accordingly.
- 8.16 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.

Refuse Arrangements

- 8.17 In my view there is space on this site for waste storage to be accommodated. The precise arrangements necessary to ensure convenient collection and avoid any harm to public amenity can be secured by condition.
- 8.18 In my opinion the proposal is compliant in terms of waste storage with Cambridge Local Plan (2006) policy 3/1.

Highway Safety

- 8.19 The highway authority is satisfied that the proposal does not pose a threat to highway safety. I accept this opinion, which has been given after consideration of issues raised by third parties. In my view, the proposed delivery bay would be an improvement to the delivery facilities available in the area, and if used by other businesses would result in a reduction in threat to highway safety and an improved situation for pedestrians, cyclists and those using wheelchairs or buggies; the deviation of the footway from a straight line here would not cause significant harm.
- 8.20 I also agree with the highway authority that issues to do with the swept path analysis and accident data in the applicants' information do not cause any significant undermining of their case on highway safety.
- 8.21 The size of delivery vehicles servicing this unit can be controlled by condition. I agree that the size of other vehicles using it cannot, but I agree with the highway authority that such a situation would still represent an improvement to the current situation. Illegal use of the delivery bay could be addressed by parking control.
- 8.22 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/2 and 8/9.

Car and Cycle Parking

- 8.23 The highway authority has raised no concerns about either of these issues. In my view it would be difficult to demonstrate that any of the proposed uses would be likely to create a greater demand for car or cycle parking than the permitted use (or any

alternative leisure use for which planning permission in the future might be achieved.) Local plan policy encourages reduction rather than increase in non-residential car parking space. In my view any use in Classes A1, A2, A3 or A4 is likely to draw its customers primarily from nearby. The existing pressure on on-street car parking space would be a strong disincentive to customers using cars to visit the site.

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

Third Party Representations

8.25 The majority of the representations concern three issues: the loss of the leisure use; the impact on the vitality of the local centre, and the impact of the proposed servicing bay. I have dealt with these in paragraphs 8.2-8.3, 8.4 to 8.10, and 8.19 to 8.22 respectively.

8.26 I have also addressed in the body of the report the concerns raised about car parking and noise generation. I acknowledge that existing A4 uses on Mill Road sometimes give rise to antisocial behaviour. I do not consider that the cumulative impact of adding another such use would cause significant harm. I do not consider that any of these uses would give rise to an unacceptable increase in lorry traffic. The issue of waste stored on the site frontage can be addressed by condition.

9.0 CONCLUSION

9.1 I do not consider that the loss of a leisure facility, the impact of the changes of use sought on the vitality of the local centre, or the perceived threat to highway safety provide any basis for the refusal of this application.

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.

2. None of the uses hereby permitted (nor any Class A1 use) shall commence until:

1. a new delivery bay in accordance with the basic design set out in Drawing PL04 appended to the Transport Statement submitted with the application and with a detailed design previously agreed with the highway authority has been constructed,

2. a Traffic Regulation Order to control its use for deliveries only has been implemented, and

3. the highway authority has confirmed in writing that it is satisfied with the completed bay.

Reason: To ensure highway safety (Cambridge Local Plan 2006 policy 8/2)

3. Deliveries to this site for any of the uses hereby permitted (or to and A1 use later implemented as permitted development) shall be made only in vehicles of 7.5 tonnes or less. Vehicles delivering to this site shall do so only from the delivery bay required by Condition 2.

Reason: To ensure highway safety. (Cambridge Local Plan 2006 policy 8/2)

4. No deliveries to the site in operational use for any of the uses hereby permitted or Class A1 use shall take place until a Service Management Plan which shall cover all aspects of deliveries to and collections from the site, including permitted delivery hours, has been submitted to, and agreed in writing by, the local planning authority. The Service Management Plan shall be adhered to thereafter.

Reason: To protect highway safety and the amenity of nearby residents, businesses and highway users. (Cambridge Local Plan 2006 policies 3/4 and 8/2)

5. None of the uses hereby approved, nor any Class A1 use subsequently adopted under permitted development shall commence until details of waste storage and collection arrangements have been submitted to and approved in writing by the local planning authority. The agreed arrangements shall be maintained permanently thereafter.

Reason: To ensure satisfactory waste and recycling provision and to protect public amenity. (Cambridge Local Plan 2006 policies 3/1 and 3/4)

6. Neither waste nor waste storage containers (including cages for waste cardboard, either full or empty) shall be stored in front of the building.

Reason: To protect public amenity and avoid harm to the character of the conservation area. (Cambridge Local Plan 2006 policies 3/1, 3/4 and 4/11)

7. 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 residential amenity of nearby occupiers. (Cambridge Local Plan 2006 policy 3/4)

8. 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 residential properties. (Cambridge Local Plan (2006) policies 3/4, 4/13 and 6/10)

9. Before any of the uses hereby permitted, or Class A1 use is commenced, a scheme for the insulation of the building and plant in order to minimise the level of noise emanating from the said building and plant shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented before the use hereby permitted is commenced.

Reason: To protect the amenity of neighbouring occupiers. (Cambridge Local Plan 2006 policies 3/4 and 4/13)

10. Before any of the uses hereby permitted, or Class A1 use, is commenced, details of equipment for the purpose of extraction and filtration of fumes/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, and maintained in that condition thereafter

Reason: To protect the amenity of nearby properties.
(Cambridge Local Plan 2006 policies 3/4 and 4/13)

INFORMATIVE: The applicant is advised that 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 Commercial Team of the Refuse and Environmental Service at Cambridge City Council on telephone number (01223) 457890 for further information.

INFORMATIVE: The applicant is advised that if the premises is intended to provide alcohol, regulated entertainment or 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: The applicant is advised that to satisfy Condition 9, the noise level from all plant and equipment, vents etc. (collectively) associated with this application should not raise the existing background level (L90) by more than 3 dB(A) (i.e. the rating level of the plant needs to match the existing background level). 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), 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.

It is recommended that the agent/applicant submits a noise prediction survey/report in accordance with the principles of BS4142: 1997 Method for rating industrial noise affecting mixed residential and industrial areas or similar. Noise levels shall be predicted at the boundary having regard to neighbouring residential premises. Such a survey / report should include: a large scale plan of the site in relation to neighbouring premises; noise sources and measurement / prediction points marked on plan; a list of noise sources; details of proposed noise sources / type of plant such as: number, location, sound power levels, noise frequency spectrums, noise directionality of plant, noise levels from duct intake or discharge points; details of noise mitigation measures (attenuation details of any intended enclosures, silencers or barriers); description of full noise calculation procedures; noise levels at a representative sample of noise sensitive locations and hours of operation.

INFORMATIVE: The applicant is advised that to satisfy Condition 10, 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>