

Application Number	15/0417/FUL	Agenda Item	
Date Received	9th March 2015	Officer	Michael Hammond
Target Date	4th May 2015		
Ward	Petersfield		
Site	86 Mill Road Cambridge Cambridgeshire CB1 2AS		
Proposal	Installation of extract duct.		
Applicant	Mr M Tariq 211 Histon Road Cambridge CB4 3HL United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposed extract duct would not harm the character of the Conservation Area. - The proposed extract duct, subject to conditions, would not harm the amenity of neighbouring properties.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site, no.86 Mill Road, is a two-storey end of terrace retail unit, with storage on the first floor, situated on the western corner of Mill Road and Tenison Road. There is a small ancillary yard to the rear. The area to the west and east is predominantly formed of similar sized buildings with a range of uses including restaurants (A3), hot food takeaways (A5) and other retail (A1) uses. Ditchburn Place, which is directly opposite the application site, is comprised of residential apartments set back from Mill Road with a large courtyard fronting onto Mill Road. To the south along Tenison Road there are predominantly two storey-terraced residential properties.

1.2 The site is allocated within a District and Local Centre in the Cambridge Local Plan (2006). The site falls within the Central Cambridge Conservation Area. The building is a Building of Local Interest.

2.0 THE PROPOSAL

2.1 The proposal seeks full planning permission for the installation of an extract duct on the rear elevation of no.86 Mill Road. The extract duct has been designed in a matt grey colour and has been positioned vertically along the rear elevation, with Tie Rods attaching it to the roof.

2.2 The proposed extract duct would serve a potential change of use of the ground floor of the existing retail unit (A1) to a restaurant (A3) for a continuous period of 2 years, which under the Town and Country Planning General Permitted Development Order 2015, Part 3, Class D is permitted development and does not require planning permission. As a result, the potential change of use has not been assessed under this application.

2.3 The proposed extract duct has been amended in design and colour based on feedback from the Conservation Team.

2.4 The application has been called in for determination at Planning Committee by Councillor Sinnott.

3.0 SITE HISTORY

Reference	Description	Outcome
08/1135/FUL	Conversion of existing storage building (B1) into 5 bed dwelling including external alterations.	Withdrawn.
08/1291/ADV	Graffiti style artwork to side wall.	Application returned.
12/0992/FUL	The painting of a mural on the side elevation of the existing retail premises at 86 Mill Road.	Permitted.
14/1922/FUL	Conversion of first floor into 1x1 bedroom and roof extension, including dormer windows and conservation rooflights, to form	Permitted.

1x studio flat. Addition of a door and window to ground floor side elevation.

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 Local Plan 2006	3/1 3/4 3/7 3/11 4/11 4/12 4/13

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
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
	<u>City Wide Guidance</u> Buildings of Local Interest (2005)
	<u>Area Guidelines</u>

	Mill Road Area Conservation Area Appraisal (2011)
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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, there are no policies in the emerging Local Plan are of relevance.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 No objection.

Head of Refuse and Environment

6.2 No objection, subject to comments and conditions:

Construction hours, Plant noise insulation, Odour filtration/extraction, Plant noise insulation informative.

Urban Design and Conservation Team

Original comments (08/04/2015)

6.3 The application is supported in principle, however the position of the flue is not appropriate due to the impact on the character and appearance of the conservation area. Revised drawings

with details of the materials and colours should be sought as per the comments above.

Second comments (05/05/2015)

- 6.4 The amended plans have taken the previous Conservation comments into consideration. The duct route is less convoluted and the proposed colour and finish are appropriate. This application can now be supported.

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:

- 2A Tenison Road
- 14 Tenison Road
- 28 Tenison Road
- 36 Tenison Road
- 83 Tenison Road
- 85 Tenison Road
- 116 Tenison Road
- 30 Lyndewode Road
- 11 Mawson Road
- 57 Mill Road

- 7.2 The representations can be summarised as follows:

- Noise disturbance
- Odour disturbance
- PPS23 'Planning and Pollution Control' states that a local authority should take into account impacts of a planning application on the quality of air including pollution.
- Section 79 of the Environmental Protection Act 1990 lays a duty on a local authority to consider statutory notice and this should be addressed.
- The proposal is contrary to the WHO guidelines on noise.
- The proposal would harm the Conservation Area.
- The change of use would generate more traffic and parking.
- The change of use would require more refuse waste bins.

- The change of use would increase opening hours that would result in late night disturbance.
- The change of use would result in more litter.
- The proposal is contrary to Local Plan policy 4/11.

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. Context of site, design and external spaces and Impact on Conservation Area
2. Residential amenity
3. Third party representations

Context of site, design and external spaces

8.2 The proposed extract duct would be visible from the street scene of Tenison Road.

8.3 The original design for the extract duct was proposed to go up along the rear wall of the building and then along the roof slope so it was attached to the building at all points. The design was then amended so that the extract duct was positioned vertically against the rear wall of the building, rather than following the slope of the roof, along with details of the proposed colour, as requested by the Conservation Team.

8.4 The proposed design has been designed to minimize its visual prominence when viewed from Tension Road by way of the colour blending in with the colour of the rear dormers that were granted planning permission under 14/1922/FUL at no.86 Mill Road.

8.5 I do not consider that the rear elevations of properties along this stretch of Mill Road, between Mawson Road and Tenison Road, offers any positive aesthetical contribution to the character of the Conservation Area, given the presence of another extract duct, and the varying roof forms and designs of these

properties. As a result, I do not consider that the extract duct would look out of context with the site or harm the character of the Conservation Area or Building of Local Interest, in agreement with the advice from the Conservation Team.

- 8.6 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 4/11 and 4/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.7 The built form of the proposed extract duct would not raise any residential amenity issues concerning overlooking, loss of light or visual enclosure. The main consideration is the potential noise and odour disturbance that the extract duct could cause and whether this would harm the amenity of neighbouring properties.

Noise disturbance

- 8.8 Objections have been raised from properties in the surrounding area regarding the noise that the extract duct could cause. Given the close proximity of properties in the surrounding area, as well as the future second-floor studio flat that has windows on the rear elevation of no.86, the Environmental Health Team has recommended a plant noise insulation condition be included. I agree with this advice and consider this pre-commencement condition necessary to prevent any noise disturbance that could potentially harm the amenity of nearby residential properties.

Odour disturbance

- 8.9 Objections have been raised from properties in the surrounding area regarding the odour that the extract duct could emit. Similar to the preceding chapter, the Environmental Health Team has recommended an odour filtration/ extraction condition in order to protect the amenity of nearby properties. I agree that without satisfying this pre-commencement condition the proposal could potentially harm the amenity of nearby properties and have included this condition accordingly.

8.10 In my opinion, subject to conditions, 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.

Third Party Representations

8.11 PPS23 'Planning and Pollution Control' has been replaced as a result of the National Planning Policy Framework that came into force on 27 March 2015. As a result, this policy has not been referred to in the determination of this application.

8.12 The WHO guidelines are not used in the determination of planning applications.

8.13 Section 79 of the Environmental Protection Act 1990 is not used in the determination of planning applications.

8.14 The concerns related to the change of use have not been addressed in this report as this is not part of the planning application and can therefore not be assessed.

9.0 CONCLUSION

9.1 That subject to conditions, the proposed extract duct would not harm the amenity of neighbouring properties or the character of the Conservation Area, and that therefore approval is recommended.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

1. 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.

2. 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.

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. Before the development/use hereby permitted is commenced, a scheme for the insulation of the building(s) and/or plant in order to minimise the level of noise emanating from the said building(s) and/or 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 nearby properties (Cambridge Local Plan 2006 policy 4/13)

5. Before the development/use hereby permitted is commenced, 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)

6. To satisfy the plant noise insulation condition, the rating level (in accordance with BS4142:2014) 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 correction in accordance with BS4142:2014. This is to 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 15 minute period).

It is recommended that the agent/applicant submits a noise prediction survey/report in accordance with the principles of BS4142: 2014 "Methods for rating and assessing industrial and commercial sound" or similar, concerning the effects on amenity rather than likelihood for complaints. Noise levels shall be predicted at the boundary having regard to neighbouring premises.

It is important to note that a full BS4142:2014 assessment is not required, only certain aspects to be incorporated into a noise assessment as described within this informative.

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.

Any report shall include raw measurement data so that conclusions may be thoroughly evaluated and calculations checked.