

<b>Application Number</b>	15/1085/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	15th June 2015	<b>Officer</b>	Mr Amit Patel
<b>Target Date</b>	10th August 2015		
<b>Ward</b>	West Chesterton		
<b>Site</b>	253 Chesterton Road Cambridge Cambridgeshire CB4 1BG		
<b>Proposal</b>	Change of use from an A1 (shop) to A3 (restaurant/cafe). Installation of new air-conditioning/heating. Alterations to external facade and immediate forecourt. Installation of cycle racks and external seating onto private forecourt.		
<b>Applicant</b>	Mrs Judith Harrison 3 Kimberley Road Cambridge Cambridgeshire CB4 1HG United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The proposal is in accordance with policy</p> <p>The external changes are acceptable</p> <p>The proposal would not have a detrimental impact on residential amenity</p> <p>There will be an increase in cycle parking on site which is acceptable</p>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 The application site lies at the corner of Chesterton Road and Hawthorn Way, and consists of two adjacent rectangles, joined corner-to-corner by a 3m wide ‘neck’.
- 1.2 At present the corner unit on the ground floor (253 Chesterton Road) was occupied by a delicatessen, and the current

adjoining retail unit, to the east, (255 Chesterton Road) is occupied by hairdressers. The remainder of the ground floor space (fronting Hawthorn Way), and part of the first floor, are used by a private tutorial college, and there are also a two-bedroom flat and a three-bedroom flat at first floor level. There are wide paved areas adjacent to the footway on both frontages; that on the Hawthorn Way side is currently used for parking cars.

- 1.3 The north-eastern rectangle lies in the backland between Chesterton Road, Hester Adrian Way and Coach House Court. It measures 13m x 30m, and is occupied by a row of single-storey garages. Access to the backland rectangle is by an access drive which runs to the north of the frontage building along the northern edge of that part of the site. It is closed off from Hawthorn Way by double gates.
- 1.4 The surrounding area is predominantly residential, but there are a number of hotels and guest houses on the opposite side of Chesterton Road. On the opposite corner of Chesterton Road/Hawthorn Way, at 251, there is a similar, but not identical, building to that on the application site. The ground floor of that building is occupied by a convenience store. This group of shops is not identified as a local centre in the Cambridge Local Plan (2006).
- 1.5 The site is not within or near to any conservation area. It falls outside the controlled parking zone (CPZ).

## **2.0 THE PROPOSAL**

- 2.1 The application seeks approval for a change of use from class A1 retail unit to class A3 (restaurant/café). The works will also include installation of plant, cycle racks and seating. There will also be an installation of plant to the rear roof scape.
- 2.2 There are proposed changes to the shop front which include new signage. The signage details will require a separate application.
- 2.3 The applicants have submitted revised drawings to address the comments raised by the local highway engineer.

2.4 The application is accompanied by the following supporting information:

1. Plans

### 3.0 SITE HISTORY

Reference	Description	Outcome
09/0319/FUL	Erection of 9 flats (1 one-bed flat, 7 two-bed flats and 1 three-bed flat) and offices (Class B1).	Refused
14/0810/FUL	Change of use from continental delicatessen to private (specialist) referral Dental Practice	A/C

### 4.0 PUBLICITY

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

### 5.0 POLICY

5.1 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4 3/7 4/13 6/3 8/2 8/6 8/10

## 5.2 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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## 5.3 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, policy 72 in the emerging Local Plan is of relevance.

The site is allocated as a neighbourhood centre (Hawthorn Way).

## 6.0 CONSULTATIONS

### **Cambridgeshire County Council (Highways Development Management)**

- 6.1 The end two cycle stands would obstruct the highway. The application should be refused until these are removed, otherwise no significant adverse impact on the highway.

### Additional Information

The applicants have submitted revised drawings removing the two cycle parking spaces and it addresses the concern raised.

### **Head of Refuse and Environment**

6.2 No objection in principle subject to conditions relating to construction hours, plant noise insulation, waste and opening hours, odour compliance condition and informatives relating to food safety, noise insulation and licensing.

6.3 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

### **7.0 REPRESENTATIONS**

7.1 The owners/occupiers of the following addresses have made representations objecting to the proposal:

- 255A Chesterton Road
- 257 Chesterton Road (x5)

7.2 The representations can be summarised as follows:

- Impact of additional noise, pollution and vehicle traffic would be disruptive to the wellbeing and life style of the area
- Additional parking will lead to congesting the surrounding roads
- Increase in pollution from food waste, smell and noise is not compatible with residential areas
- Loss of privacy due to the people using the play area to the rear.
- The proposal could have more cars than stated and this could lead to competition for parking on the surrounding street.
- Hours of operation will need to be controlled from 9am to 5pm
- The number of patrons will impact on the surrounding area

7.3 The owners/occupiers of the following addresses have made representations supporting the proposal:

- 19 De Freville Avenue
- 32 Chesterton Hall Crescent
- 2 Gurney Way

- 19 Orchard Avenue (x2)
- 7 Pretoria Road
- 259 Chesterton Road

7.4 The representations can be summarised as follows:

- Proposal is welcomed as there is nothing of this type of business in this area
- The parking will not be a problem as this will serve the local community who will visit by foot or cycle
- The proposal will allow the community to meet in a safe environment
- The proposal for outdoor seating is safer than the current car parking arrangement

7.5 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

## **8.0 ASSESSMENT**

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Highway safety
5. Car and cycle parking
6. Waste
7. Third party representations

### **Principle of Development**

8.2 The site is not within a district or local centre in the current local plan, and is therefore not subject to any local plan policy restricting changes of use from Class A1 to other uses. In the Cambridge Local Plan 2014: Proposed Submission, the site is within Local Centre 27 (Hawthorn Way).

8.3 Relatively little weight can be afforded to the emerging local plan because it has not yet completed the stage of examination in public. Notwithstanding this, the proposal is in accordance

with Policy 72 of the Proposed Submission, which supports changes of use in local centres from A1 to other centre uses (which include A3) provided that an appropriate mix and balance of uses is retained which will provide for the day-to-day needs of local people. In my view, the proposed use within class A3 will provide a day-to-day need for the locality and add to the mix of uses within this neighbourhood centre. The proposal involves no conflict with the aspirations of Policy 72 of the Proposed Submission which seeks to promote and coordinate the use of sustainable transport modes, and deliver and reinforce a sense of place and local shops and services.

- 8.4 The compliance of the proposal with policy 72 of the Proposed Submission, while carrying very little weight in itself, is in my view, a useful pointer, providing some assurance that the change of use would not conflict with paragraph 70 of the National Planning Policy Framework (2012), which requires councils to guard against the unnecessary loss of valued facilities and services.
- 8.5 I am also of the view that approval of the change of use would comply with paragraphs 19 and 21 of the National Planning Policy Framework (2012), which urges councils to support existing business sectors, allow their expansion, and avoid acting as an impediment to sustainable growth.
- 8.6 The unit is currently vacant. Granting this change of use will bring it back into use and will provide a facility for the community at large which is supported. The Local Plan is silent on change of use outside a Local or District Centres and therefore bringing a vacant unit back into use is supported as the use could benefit the local area by providing a service for the local community.
- 8.7 In my opinion, the principle of the development is acceptable and in accordance with the aim of Chapter 6 of the Cambridge Local Plan 2006 to ensure Cambridge is vibrant and thriving, and with paragraphs 19, 21 and 70 of the National Planning Policy Framework (2012).

### **Context of site, design and external spaces**

- 8.8 There are some external changes proposed. This involves the cleaning and repainting of the shop front and additional doors

and windows in the rear elevation, I consider that these are acceptable. There are no extensions and therefore I do not consider that the proposal will not have any impact upon the character of the area.

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

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.10 There are not any physical changes proposed but concerns have been raised regarding car parking. I will address this later in my report but this site is not within a controlled parking zone and there will be no on site car parking
- 8.11 Representations have been received regarding the proposal having an impact from noise and smell pollution and loss of privacy. The proposal is for a community café. The applicants have stated that the proposal will serve warmed up Paninis and hot drinks. Additionally the proposed plant will need further control if the cooking on site becomes more intense and this can be controlled by condition. The Environmental Health officer does not consider that this will have a significant impact on noise and odour pollution to the neighbouring occupiers subject to conditions. I agree with their advice and recommend conditions 3 and 4.
- 8.12 There will be no useable space at the rear as this is currently a service area for the shops. There will be changes at ground floor level with additions of doors and windows but this will not lead to any overlooking as this is at ground floor level and the existing boundary treatment will stop any direct overlooking to the neighbouring residential properties and I consider this acceptable.
- 8.13 Representations have been received regarding the hours of operation to be limited to 9 to 5. The Environmental Health Officer has commented that the hours stated in the application form of 7am to 8pm Mon to Saturday and 9am to 5pm on Sunday and Bank Holidays is acceptable. I consider, due to the location and the proposed serving of hot drinks and toasted sandwiches will not lead to a significant impact to the residential

neighbours. I agree with the advice given and recommend a condition for opening hours. (Condition 5).

- 8.14 The number of patrons may add to the movement of coming and goings. However, Chesterton Road is a major route around the City and the noise generated would, in my opinion not be significantly worse than the current situation or when the previous use was running.
- 8.15 The Environmental Health Team have also commented that construction hours (condition 7) could have an impact on the adjoining occupiers and therefore recommend a condition. I agree with their advice. I cover the waste element below and add the informatives as recommended.
- 8.16 Subject to conditions, in my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7 and 4/13

### **Highway Safety**

- 8.17 Third party comments state that the car parking on street will cause congestion and impact on the highway network. The local highway authority has not raised any concerns regarding this and agree with their advice.
- 8.18 The site is located outside the controlled parking zone and therefore on street car parking could occur without any restrictions. In addition to this, I consider the previous use could have generated more movements due to the nature of the business than the one being proposed. Considering that people can park on street without any restrictions will not have a detrimental impact over and above the existing situation and is acceptable.
- 8.19 Subject to condition, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

- 8.20 The site is 171 square metres. The City Council Car Parking Standards set a maximum level of 4 car parking spaces for a A3

use of this size. The proposal does not provide any off street car parking and therefore is acceptable.

- 8.21 The Cycle Parking Standards seek 6 spaces per 25 square metres. The revised plans show 14 spaces. So the proposed number of spaces required is an over provision which is acceptable and encouraged. The plans show the type of cycle stand, as being Sheffield Steel hoop type, this is acceptable.
- 8.22 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Refuse Arrangements**

- 8.23 No details are provided regarding trade waste. Comments have been received regarding concerns from third parties and Environmental Health that there is no information regarding waste storage and this could lead to vermin and smell pollution. The Environmental Health Team has recommended a condition to overcome this concern and I consider there is space on site to provide adequate storage of waste and recommend condition 6.
- 8.24 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/7.

### **Third Party Representations**

- 8.25 Third party comments have been addressed in the main body of the report above.

## **9.1 CONCLUSION**

- 9.1 The proposal is to change the use of the vacant A1 unit to a community cafe falling within A3 use. There some external alterations and increase in cycle parking. I consider subject to conditions the proposal is acceptable and I recommend APPROVAL.

## **10.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

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. Before the development/use hereby permitted is occupied, a scheme for the insulation of the plant in order to minimise the level of noise emanating from the 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 residential occupiers. (Cambridge Local Plan (2006) policy 4/13).

4. Any A3 use of the development shall install and maintain an odour filtration/extraction system designed 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 and/or its subsequent amendments' .

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

5. The premises shall be open from 07:00 hours to 20:00 hours Monday till Saturday and 09:00 hours till 17:00 on Sunday and Bank Holidays.

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

6. Prior to the commencement of development, full details of the on-site storage facilities for commercial waste, including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins, or any other means of storage will be stationed and the specific arrangements to enable collection from within 10m of the kerbside of the adopted highway/ refuse collection vehicle access point and the arrangements for the disposal of waste shall be provided and shall include provision for a minimum of 50% recycling/organic capacity. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity. Cambridge Local Plan 2006 policies 3/12 and 4/13

7. No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 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)

**INFORMATIVE:** 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.

**INFORMATIVE:** As the premises is intended to be run as a food business the applicant is reminded that under the Food Safety Act 1990 (as amended) the premises will need to be registered with Cambridge City Council. In order to avoid additional costs it is recommended that the applicant ensure that the kitchen, food preparation and food storage areas comply with food hygiene legislation, before construction starts. Contact the Commercial Team of the Refuse and Environmental Service at Cambridge City Council on telephone number (01223) 457890 for further information.

**INFORMATIVE:** A premises licence may be required for this development in addition to any planning permission. A premises licence under the Licensing Act 2003 may be required to authorise:

- The supply of alcohol
- Regulated entertainment e.g.
- Music (Including bands, DJ's and juke boxes)
- Dancing
- The performing of plays
- Boxing or wrestling
- The showing of films
- Late Night Refreshment (The supply of hot food or drink between 23:00-05:00)

A separate licence may be required for activities involving gambling including poker and gaming machines.

The applicant is advised to contact The Licensing Team of Environmental Health at Cambridge City Council on telephone number (01223) 457899 or email [Licensing@cambridge.gov.uk](mailto:Licensing@cambridge.gov.uk) for further information.