

CAMBRIDGE CITY COUNCIL

REPORT: Toby Williams
TO: Planning Committee
WARDS: Market

Planning Update Report, 30 November 2016

64 Newmarket Road, 14/1905/FUL

1 INTRODUCTION

- 1.1 This application was reported back to the 3 February 2016 Planning Committee as part of the Adjourned Decision Protocol. The officer recommendation of approval for the scheme was supported at that meeting and the Committee resolved to approve planning permission subject to the completion of a S106.
- 1.2 The officer recommendation included a requirement for a clause in the S106 agreement to secure direct odour mitigation at the Orchid Restaurant, which is adjacent to the site. This was because the restaurant does not currently have any form of odour abatement other than high level discharge and standard grease filters and the proposal would place residential windows/balconies close to and higher than the extract. This has the potential to expose future residents to cooking odour.
- 1.3 The upgrade of the kitchen extraction/odour was dependent on the acceptance and cooperation of the Orchid Restaurant. Since the grant of planning permission, the applicants have engaged a consultant to assess and work-up a detailed system for the restaurant. The size and cost of this system is substantial and it would involve significant structural alterations to the roof of the restaurant. The applicants have stated that the restaurant owners are unwilling to agree to these works or to incur yearly maintenance costs arising. As such, it has not proven possible to agree mitigation of the odour at source as originally envisaged.
- 1.4 As part of the scheme, a number of rooms in close proximity to the plant on the roof of Orchid restaurant had to have non-openable windows overlooking the plant (east façade) because of potential noise issues with its operation. The applicants are now proposing that a number of additional rooms (within an approximate 40m radius of the plant) on the east façade of the

development would be sealed and mechanically ventilated from the west side of the building to remove any issue of reasonable complaint arising.

- 1.5 Three windows as part of the original consent would have been sealed. The revised proposal affects 25 windows. The windows mainly serve bedrooms and are single aspect.
- 1.6 I have asked the Environmental Health officer whether it would be acceptable for the occupants of the bedrooms to have the option of either mechanical ventilation or openable windows to enable choice, as the plant would not always be operational. However, they have confirmed their view that future residents would have reasonable cause for complaint if an openable window were provided and odour impacted upon them and that the Council would have no recourse to insist on mitigation by the restaurant because it was operating with the plant in place prior to the development coming forward. In this scenario, the Council would be culpable of allowing an unacceptable impact to occur.
- 1.7 I recognise that the proposed solution would reduce the amenity for future residents to a degree but the main outlook and amenity is onto Severn Place to the west and not to the rear to the east over the restaurant. These units typically have west facing kitchen-diners and living rooms leading onto a large balcony or raised garden terraced area. My view is that the residents of the scheme would still be afforded a good level of amenity.
- 1.8 I am of the opinion that the revised proposal would provide a good living environment and is compliant with Cambridge Local Plan (2006) policies 3/7, 3/12 and 4/13.

2.0 CONSULTATIONS

- 2.1 Environmental Health Officer: Supports the revised arrangement

3.0 CONCLUSION

- 3.1 The revised treatment for the windows should be accepted together with two new conditions proposed in the recommendation.

4.0 RECOMMENDATIONS

- 4.1 To **APPROVE** the planning application in line with the previous recommendation, subject to:

1: Removal of the S106 requirement for at source mitigation of odour from the Orchid Restaurant.

2: Imposition of two new conditions to read as follows:

37: Non opening windows/doors – compliance

To mitigate against adverse odour and noise impact, all non-opening windows and doors as highlighted in yellow within the Alison Brooks Architects Ltd Drawings (East facing elevation - Block A-G, ref: 2348_A_SE_XX_0152, dated 29/6/16 and Second Floor Plan as repeated on other levels 161.02.103 REVA, dated 26/10/16) shall be fully installed, maintained as non-opening and not altered.

Reason: In order to protect the amenity of future residents (Cambridge Local Plan policy 4/13).

38: Mechanical ventilation to serve non opening window rooms

Prior to the commencement of development above ground floor level, details of an alternate ventilation scheme for the accommodation units with non-opening windows/doors specified in condition 37, shall be submitted to and approved in writing by the local planning authority. The ventilation scheme shall source air from the West façade of the development, away from traffic and odour sources. The ventilation scheme shall achieve at least 2 air changes per hour. The scheme shall be installed before the use hereby permitted is commenced. The scheme shall be retained and shall not be altered.

Reason: In order to protect the amenity of future residents (Cambridge Local Plan policy 4/13).

5 IMPLICATIONS

- (a) **Financial Implications:** None
- (b) **Staffing Implications:** None
- (c) **Equality and Poverty Implications:** None
- (d) **Environmental Implications:** None
- (e) **Procurement:** None
- (f) **Consultation and communication:** None
- (g) **Community Safety:** None

6 BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

-3 February 2016 Planning Committee Report for 14/1905/FUL

The author and contact officer for queries on the report is Toby Williams on extension 7312.

Report file:

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