

Application Number	17/1354/FUL	Agenda Item	
Date Received	2nd August 2017	Officer	Michael Hammond
Target Date	27th September 2017		
Ward	Newnham		
Site	7 Derby Street Cambridge CB3 9JE		
Proposal	Change of use from A1 (Bakery and shop) to A1/A3 mixed use (bakery, shop and cafe).		
Applicant	Mr J Sturdy 7 Derby Street Cambridge CB3 9JE		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposed change of use to a mixed bakery/ café use would be acceptable in principle. - The proposal would not have a detrimental impact on residential amenity in terms of on-street parking pressures. - The proposed change of use would not give rise to unacceptable environmental or nuisance problems.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is comprised of a bakery situated on the west side of Derby Street in Newnham. There is an undercroft passage way which provides access to the rear of the shop, as well as nos.5 and 6 Derby Street. The first-floor above the shop is occupied as a self-contained flat. The surrounding area is predominantly residential in character with sporadic retail uses.

1.2 The site falls within the Newnham Croft Conservation Area.

2.0 THE PROPOSAL

- 2.1 The proposal seeks planning permission to change the existing bakery (A1) into a mixed bakery (A1)/ Café (A3).
- 2.2 At present there are two tables and six chairs for customers of the bakery to consume food and drink in the premises. This is considered to be an ancillary element of the bakery (A1) use given that the majority of customers do not stay on-site after purchasing food or drink and the limited number of tables and chairs in comparison to the floorspace of the retail area.
- 2.3 The proposal seeks to increase the provision of on-site dining up to seven tables and 21 seats. This is deemed to constitute a material change of use of the site from a retail (A1) use to a mixed retail/ café (A1/A3) use. A customer toilet is also proposed to facilitate customers staying on-site for longer periods of time.
- 2.4 There are no external changes proposed to the unit.
- 2.5 Councillor Cantrill has requested the application be called in to Planning Committee for determination on the grounds that it conflicts with policies 3/14, 3/15 and 4/11 of the Cambridge Local Plan (2006).
- 2.6 The application is accompanied by the following additional information:
1. Drawings
 2. Planning Statement
 3. Design and Access Statement

3.0 SITE HISTORY

Reference	Description	Outcome
16/1818/FUL	Replacement of existing shopfront	Permitted.
C/86/0590	INSTALLATION OF NEW SHOPFRONT.	Permitted.
C/83/0993	Alterations to existing bakery	Permitted.

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 4/13 6/10 8/1 8/2 8/4 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 (Annex A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)

Material Considerations	<u>City Wide Guidance</u>
	Cycle Parking Guide for New Residential Developments (2010)
	<u>Area Guidelines</u>
	Newnham Croft Conservation Area Appraisal (2013)

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 that should be taken into account.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 No objection.

Environmental Health

Original comments (25/08/2017)

6.2 Full details are required of the current kitchen extraction of the kitchen and prep kitchen and whether any odour abatement is present within these areas.

Second comments (19/09/2017)

- 6.3 The additional information regarding odour abatement is acceptable. No objection subject to odour compliance and hours of use conditions.

Urban Design and Conservation Team

- 6.4 No objection.

South Newnham Neighbourhood Forum

- 6.5 In our Forum community workshops it became very apparent that one of the key things that people value in our neighbourhood is the convenience, accessibility (especially for older people), variety and quality of the local shops. There were numerous requests for a cafe in the area. The recent additions by the current bakery manager of a cafe, extended baked offerings and seating areas have proved popular, and the venue has provided a meeting-place for people of all ages.
- 6.6 This application for additional food offerings and extended opening hours and a few more seats, plus accessible ground-floor w.c., will expand the opportunities for social interaction in the community.

Disability Consultative Panel

- 6.7 This is a well-considered scheme with an improved door width and accessible WC that are very much welcomed. The door could be designed to be power-assisted for the benefit of both wheelchair users and the ambulant disabled. The absence of any parking provision is understood.
- 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 The owners/occupiers of the following addresses have made representations in support of the application:

16 Grantchester Road	24 Eltisley Avenue
4 West View	73 Selwyn Road
100 Barton Road	32 Owlstone Road
6 Merton Street	

7.2 The representations in support can be summarised as follows:

- There has not been a significant increase in car use in the area although footfall has increased.
- A café is needed in Newnham.
- The café would be a positive addition to the streetscape.
- Many of the customers would be within walking distance of the bakery.
- It is hoped that the proposed Residents Parking Scheme will address parking on Derby Street.
- Small businesses like this need to change to fit economic circumstances to survive.
- The improved accessible toilet facilities are welcomed.
- There is cycle parking at the co-op and Lammas Land although the area needs to look at increasing cycle parking more generally.

7.3 The owners/occupiers of the following addresses have made representations in objection to the application:

6 Derby Street	20 Derby Street
10 Hardwick Street	

7.4 The representations in objection can be summarised as follows:

- The increased footfall and potential extension to hours of use would increase noise and traffic disturbance.
- The increase in parking demand would obstruct the narrow footpaths.
- Noise and disturbance from customers within café as windows left open for ventilation
- Difficulty for access by disabled users due to narrow path and combination of car and cycle parking on pavement.

- The viability argument put forward by the applicant regarding the existing bakery use is questioned.
- A board signs are blocking the pavement.
- There is external seating fixed to the fascia which is obstructing the highway.
- An application for a café on Eltisley Avenue was refused due to noise and additional traffic.
- Increase in on-street parking demand
- The site is being slowly transitioned into a restaurant which is suggested by the proposed 8pm closing time.

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. Disabled access
4. Residential amenity
5. Refuse arrangements
6. Highway safety
7. Car and cycle parking
8. Third party representations

Principle of Development

8.2 The application site does not fall within a District or Local Centre. The nearest Local Centre is the Newnham Local Centre which is situated to the east of the application site. The only premises on Derby Street that is covered by this Local Centre is no.26 Derby Street which is a small convenience shop. There is no conflict with the Cambridge Local Plan (2006) in terms of the principle of the change of use from a bakery (A1) to a mixed bakery/ café (A1/A3).

8.3 Policy 6/10 of the Cambridge Local Plan (2006) states that development for use classes A3, A4 and A5 (food and drink) will only be permitted:

A) Where the proposal will not give rise to unacceptable environmental problems or nuisance and the individual and cumulative impact of the development is considered acceptable; and

B) Where it is in an existing centre or is part of a mixed use area in an urban extension or the Station Area.

- 8.4 In my opinion, the proposal complies with criterion A for the reasons set out in the residential amenity section of this report. In the strictest application of this policy, the proposal is contrary to criterion B as the site is not within an existing centre. However it is pertinent to note that the accompanying text of this policy emphasises the environmental problems, traffic problems and loss of residential amenity as the reasoning for restricting the location of certain uses. These three impacts have all been addressed in the succeeding paragraphs of this report.
- 8.5 It is also pertinent to note that under the Town and Country Planning (General Permitted Development) Order (GPDO) (2015) as amended, Part 3, Class C, the applicant could undertake a change of use from a shop (A1) to a mixed use of retail (A1) and restaurants/ cafes (A3) for a temporary period of up to 2 years, without the need for any prior approval.
- 8.6 There are also no policies in the draft Local Plan (2014) which restrict the use of food and drink to certain locations. This differs from the current Local Plan (2006) and instead the planning considerations of changes of use to these types of uses would be assessed on their individual merits, rather than by whether or not they fall within an existing centre. Whilst I appreciate that there are objections to this policy, this does provide a direction of travel for food and drink use related policy that is less restrictive on where these uses can operate from.
- 8.7 In my opinion, given the fact that planning permission would not be required under the GPDO (2015) for a mixed retail/ café use (A1/ A3) for a temporary period, I do not consider it would be reasonable to apply criterion B in this particular case. The purpose of policy 6/10 of the Cambridge Local Plan (2006) is to protect residential amenity from potential environmental, noise and traffic issues, and I consider that the proposal would not give rise to any of these unacceptable impacts. The draft Local

Plan (2014) suggests that the direction of planning policy is moving away from restricting where food and drink uses can be located.

8.8 In my opinion, the principle of the development is acceptable.

Context of site, design and external spaces (and impact on heritage assets)

8.9 The proposed development does not involve any external alterations and the Conservation Team has raised no objection to the proposed change of use.

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

Disabled access

8.11 The disability consultative panel is supportive of the proposed change of use. There are currently no accessible toilets for customers of the bakery and the proposal would address this. The door would be DDA compliant.

8.12 It is acknowledged that concerns have been raised regarding the potential increase in car and cycle parking the proposal may generate on the narrow pavement and the obstruction that this would present to disabled customers. However, the illegal obstruction of the path by vehicles or bicycles is a matter for the highway authority to enforce against on a case-by-case basis. I do not consider it would be reasonable to refuse this proposed change of use due to potential highways interference that is outside the land controlled by the owner/ occupier of the application site. The obstructions to the public footpath created by bins, cycle parking and car parking along this street is unfortunately an existing barrier to accessibility and I do not consider it would be reasonable to refuse the application given that this situation already occurs.

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

Residential Amenity

Impact on amenity of neighbouring occupiers

8.14 The main considerations are the impacts on neighbours in terms of noise and disturbance, and the potential impact on the surrounding area from increased car parking.

Noise and disturbance

8.15 It is acknowledged that concerns have been raised from properties on Derby Street regarding the potential increase in noise emitting from the site and the impact that this will have on their amenity, particularly when windows are open. The proposal would increase the capacity of people able to congregate within the premises from six up to 21. This would, in my view, inevitably increase the levels of noise experienced in the nearby properties along Derby Street.

8.16 However, I do not consider this increase in noise levels would likely be significant enough as to adversely impact on the amenity of nearby properties. In my opinion, the type of noise and disturbance experienced from the use of the bakery/ café would be limited to verbal conversations and the opening and closing of the main door which I do not consider would be above and beyond the levels of background noise from the existing bakery and the general movement of people up and down the street.

8.17 I do accept though that amplified music from within the building may introduce an alternative noise form that could impact on neighbour amenity. In order to ensure that this does not occur, I have recommended a condition to prohibit the playing of amplified music and ensure that any audio equipment is not audible from outside the premises.

8.18 The proposed hours of use are as follows:

- Monday – Saturday = 07:00 – 18:00hrs
- Sundays and Bank Holidays = 08:00 – 18:00hrs

8.19 The Environmental Health Team has raised no objection to the proposed hours of use and I agree with this. The bakery/ café would only operate during the core hours of the day and would

not be open after 18:00hrs. I do not consider the movements and noise associated with the bakery/ café from 07:00hrs would be harmful to neighbour amenity.

- 8.20 Odour extraction would take place using the existing chimney which disperses fumes from a high level and is considered acceptable by the Environmental Health Team. A compliance condition is recommended to ensure that any subsequent café/ restaurant (A3) use of the development that differs from the use stated within the accompanying documents installs and maintains an odour filtration/ extraction system that is designed in accordance with DEFRA guidance and/ or its subsequent amendments.

Impact on on-street car parking

- 8.21 The majority of the concerns raised reference the increase in car parking to the surrounding streets that the proposal would cause. Although I recognise the proposed increase in seating on-site would result in greater amounts of people occupying the site than that of present, I do not consider the proposed use would exacerbate on-street car parking to such an extent as to harmfully impact on residential amenity.
- 8.22 In my opinion, users of the proposed bakery/ café would not be dependent on private car as the main means of accessing the premises. The site is located in a sustainable location and is well served by public transport links along Barton Road and excellent cycle links which connect Newnham to the City Centre and beyond. The proposed use would be located close to the Newnham Local Centre and would in my opinion serve a local catchment in the Newnham area rather than further afield. I do not consider a bakery/ café of less than 150m² and roughly 7 tables and 21 seats is likely to facilitate a use that would attract large volumes of people from outside this local catchment. There is a wide array of other bakeries and/or cafes elsewhere across Cambridge and this is not a unique facility within the City.
- 8.23 Overall, I consider the proposed change of use would not drastically increase parking demand in the area and would serve as a local facility which would predominantly be accessed by pedestrians and cyclists.

8.24 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 and 6/10.

Refuse Arrangements

8.25 Bin storage would be provided in the rear yard area which is accessed from an undercroft passage, identical to that of the existing bakery arrangements.

8.26 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

8.27 The Highway Authority has raised no objection to the proposed works and I agree with this advice.

8.28 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

8.29 Car parking has been addressed in paragraphs 8.22 – 8.24 of this report.

8.30 The proposal does not include any cycle parking. There is no room to accommodate cycle parking on-site due to the tight terraced nature of the road which has narrow paths and roads. Any proposal to implement cycle parking at the front of the building would represent an unacceptable obstruction to the public highway.

8.31 It is anticipated that many customers would access the proposed bakery/ café by bicycle, similar to that of the existing bakery. At present, customers leave their bicycles propped up against the walls of buildings along the street on an informal basis. Public cycle parking is limited in the area with the nearest cycle stands being located at Llamas Land which is within walking distance of the application site.

8.32 Whilst it would be desirable if there was on-site cycle parking integrated into the site, given the site context and surrounding

constraints I do not consider it would be reasonable to refuse the application on the lack of dedicated cycle parking. The majority of other shops and services in the Newnham area also do not have access to dedicated cycle parking. In my view, the informal arrangement of standing bicycles against walls is an unavoidable facet of the local area and I do not consider it would be justified to single out this proposal on this basis in respect of the surrounding context.

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

Third Party Representations

8.34 The majority of third party representations have been addressed in the main body of this report. The remaining representations have been addressed below:

<u>Comment</u>	<u>Response</u>
The viability argument put forward by the applicant regarding the existing bakery use is questioned.	There is no in principle objection to the loss of the retail use and the viability of the existing use is not a consideration under this application.
A board signs are blocking the pavement.	This is a matter for the streets and open spaces enforcement team.
There is external seating fixed to the fascia which is obstructing the highway.	This has since been removed.
An application for a café on Eltisley Avenue was refused due to noise and additional traffic.	This other application (14/1940/FUL) was withdrawn and not refused. In any case, each application is assessed on its own merits.
The site is being slowly transitioned into a restaurant which is suggested by the proposed 8pm closing time.	Planning permission is being sought for a 6pm closing time. Any future variation to this would require planning permission.

9.0 CONCLUSION

- 9.1 There is no in principle objection to the change of the use of the premises from a bakery to a bakery/ café. The proposed change of use would not give rise to harmful levels of on-street car parking in my view. The proposal would respect the amenities of nearby residential properties.

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. The permitted use hereby approved shall not operate / open outside the hours of 07:00hrs - 18:00hrs Monday to Saturday and 08:00hrs - 18:00hrs Sundays & bank holidays.

Reason: To protect the amenity of nearby residential properties (Cambridge Local Plan (2006) policies 3/7, 4/13 and 6/10).

4. Any subsequent A3 use of the development that differs from the use stated within the E & P Building design, design and access statement dated 27th July 2017 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. Full details of the odour filtration/extraction system shall be submitted to and approved in writing by the planning department prior to use and maintained thereafter.

Reason: To protect the amenity of nearby residential properties (Cambridge Local Plan (2006) policies 3/7, 4/13 and 6/10).

5. In the event that amplified music is played within the building, doors and windows must be kept closed. This excludes the playing of typical "background" music. Amplified music should not be audible at the boundary of the site, including within the adjoining properties.

Reason: To protect the amenity of the nearby occupiers. (Cambridge Local Plan (2006) policies 4/13 and 6/10)