

Application Number	17/2015/FUL	Agenda Item	
Date Received	23rd November 2017	Officer	Sophia Dudding
Target Date	18th January 2018		
Ward	Romsey		
Site	1 Vinery Way Cambridge CB1 3DR		
Proposal	Change of use and ground and first floor side and rear extension, replacement of existing conservatory and sheds with a Nail Bar (Use Class Sui Generis).		
Applicant	Mr D Tran 1, Vinery Way		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The proposed extensions to the house and nail bar building would adequately respect the appearance of the existing building and the character of the area; <input type="checkbox"/> The nail bar use would not give rise to significant harm to the character of the area; <input type="checkbox"/> The proposed development would adequately respect the residential amenity of neighbouring properties and provide acceptable amenity for future occupiers of the host dwelling.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 1 Vinery Way is a semi-detached residential property, which encompasses mixed white-rendered two storey and single storey building elements under a tiled gable-ended roof with a

small conservatory to the north side. 1A Vinery Way is the attached neighbour with a similar building style. The pair of semi-detached buildings are located at the corner plot fronting Vinery Way and Vinery Road and fall just outside the Mill Road Conservation Area.

- 1.2 Vinery Way is a relatively short and busy road connecting to Coldham's Lane. The surrounding area consists of properties with very different design details. Properties to the south, which fall within the Historic Core Conservation Area, mainly comprise Victoria terraced houses and have a uniform appearance. Properties to the north comprise mixed detached, semi-detached and terrace units with diverse designs. Opposite the site are a convenience store/post office and a hairdresser's, however, neither of these businesses nor the application site fall within a local centre in either the existing or emerging local plans.

2.0 THE PROPOSAL

- 2.1 Full planning consent is sought for ground and first floor extensions to the dwelling and a new detached building to host the proposed nail bar use. A conservatory and some sheds would be removed from the site to facilitate the works.
- 2.2 The proposed first floor extension would project over the existing single storey building element under a hipped roof to provide a new master bedroom, creating a 3-bed property. The proposed ground floor extension would provide additional/reconfigured living and dining room space. Similar proportioned first floor extensions have been approved under the application 16/0670/FUL. A private garden space for the host dwelling would be retained measuring 6.7m x 4.2m (28sqm).
- 2.3 At the end of the garden, replacing some garden sheds, would be a new detached building housing the nail bar. This building would have an internal commercial space of approximately 27sqm. It would be of a low scale, 3m high with a flat roof and constructed from brick. It would be located on the northern end of the site directly onto the corner boundaries of the plot. The front of the nail bar would be aligned with the front of the host dwelling and no. 3 Vinery Way to the north. The revised layout plan shows secure cycle parking to the front of the property,

some limited bin storage and a 1m high timber fence onto the pavement – restricting car parking - and to the side separating the commercial use from the shrunken residential curtilage of the host dwelling.

3.0 SITE HISTORY

Reference	Description	Outcome
17/1102/FUL	Change of use and extension to ground floor, first floor side and rear extension, replacement of existing conservatory and sheds with a Nail Bar (Use Class A1).	Withdrawn
17/0478/FUL	Amendments to planning approval 16/0670/FUL granted 07/09/2016 to raise roof ridge approximately 150mm.	Permitted
16/0670/NMA1	Non-material amendment on application 16/0670/FUL for roof ridge to be raised approximately 150mm to permit insulation and ventilation gap	Withdrawn.
16/0670/FUL	Extension to ground floor, first floor extension, replacement of existing conservatory and sheds with workshop and store. Relocation of off-street car hardstanding. Removal of bins and cycles to off-street edge.	Permitted.
C/96/0219	Change of use and alterations to a mixed retail/residential property to form 2 self-contained residential units (C3).	Permitted
C/99/0551	Single storey side extension to existing dwellinghouse.	Permitted
05/0630/FUL	Erection of a conservatory.	Permitted

4.0 PUBLICITY

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

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	3/4 3/7 3/11 3/12 3/14 4/13, 5/4 8/2 8/6

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)
Material Considerations	<u>Area Guidelines</u> 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, 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 Original Comment

Objection: The car parking spaces are significantly short of the 5 metres length required to accommodate most models of car currently in production. This would lead to vehicles overhanging the footway and the risk of pedestrians being obliged to enter the adjacent live carriageway to pass the site.

(Officer note: the revised layout plan has removed car parking from the frontage of the site and has addressed this objection. I have recommended condition 8 to restrict parking on the frontage. I will report any further comments on the amendment sheet.)

Environmental Health

- 6.2 No Objection: Recent experiences with these uses have given cause for concern, particularly with respect to odour and noise from any extract system installed. Given this is in a residential area, whilst the principle of a nail bar use at the location remains acceptable, the following conditions are recommended:

- CC63 Construction hours
- CC60 (odour/fume control)
- CC62 (plant noise insulation)

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:

- 168 Vinery Road
- 174 Vinery Road
- 1A Vinery Way

7.2 The representations can be summarised as follows:

1A Vinery Way

- Inappropriate location for a nail bar in a predominantly residential area
- Increased local disturbance
- Increasing the current busy traffic flow, given the close proximity of the property to St Philips School
- Insufficient vehicle on-street parking

168 Vinery Road

- Worsen the car parking pressure

174 Vinery Road

- Overdevelopment
- Increased local disturbance, increased traffic flow and insufficient vehicle parking
- The proposed extensions will cause overbearing and light loss to No.174.

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. Principle of development
2. Context of site, design and external spaces (and impact on heritage assets)
3. Residential amenity
4. Highway safety and car parking
5. Refuse and cycle parking arrangements
6. Third party representations

Principle of Development

8.2 The proposal seeks permission for a new commercial building to house a nail bar use on part of the residential curtilage of the host dwelling. Policy 5/4 seeks to protect the loss of residential accommodation to other uses. In this case, part of the residential garden of the host dwelling is being lost and as such, in my view, the policy is not engaged. There are no policies within the adopted local plan which seek to resist this type of proposal in principle.

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

Extensions to the dwelling

8.3 Extensions of a similar massing and design have been approved under application 16/0670/FUL. The design of the proposed extensions is in keeping with proposed house and the proposed works are relatively modest. The visual impact on the appearance of the building and the character of the area, including the nearby Conservation Area, would be acceptable.

The proposed nail bar building and change of use

- 8.4 Given the modest footprint and single storey height of the building, I consider the physical impact on the character and appearance of the area would be acceptable.
- 8.5 The nail bar use would lie in-between two residential properties: the host dwelling and 3 Vinery Way. I have had some concern regarding the compatibility of the use given the neighbouring residences. The planning history (C/96/0219) indicates that the application site and 1A Vinery Way may have incorporated some form of retail use in the mid 1990's, but that has long since ceased. The character of this part of the road, which is a thoroughfare connecting Coldham's Lane to Mill Road, is mixed in that opposite the site are two commercial units, with a nearby access to St Phillip's School. This part of Vinery Way is relatively busy and in my view, because the nail bar building is relatively small and is opposite the commercial uses, I do not foresee that the use would be harmfully out of character with the surrounding area.

Layout

- 8.6 Following the erection of the nail bar building, the host dwelling would retain a private patio area of 27 sqm. Its front garden would keep the existing well-planted landscaping and a car parking space. Between the nail bar and the host dwelling would be a boundary fence. To the front of the nail bar there would be a small area to be allocated for cycle and bin storage for the commercial use. I consider the layout of the development would be of an acceptable arrangement which would, on-balance, retain sufficient private space for the occupants of the host dwelling and provide a functional space for the nail bar. This is not an overdevelopment of the application site albeit I recognise that what is proposed is at the maximum of what could be considered a reasonable subdivision. Because there are extant permissions which allow for a greater extent of ground floor extensions to the host property, I recommend condition 10 which seeks to ensure that the private patio area is delivered and retained for the occupants of the host dwelling.
- 8.7 In summary, the proposed extensions and nail bar building/use would adequately respect the appearance of the existing building and the character of the area. The proposal is

compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12 and 3/14.

Residential Amenity

Impact on amenity of neighbouring occupiers

The proposed first floor side and rear extensions

- 8.8 Due to the location of the proposed extensions, they would mainly impact on the immediate neighbours, 174 Vinery Road and 3 Vinery Way.
- 8.9 174 Vinery Road is a semi-detached property, which is located on the west side of the application site with its garden area adjoining with the application site. The owner of this property objects to the application on the basis that the proposed extensions would give rise to significant overbearing to its property.
- 8.10 3 Vinery Way is a semi-detached residential property, which is the unattached neighbour located on the north side of the application site.

Overshadowing and overbearing

- 8.11 The proposed first floor extension would be of modest scale. It would extend the ridge line by 2.6m and incorporate a hipped roof form providing an additional 4.6m of first floor brick wall facing no. 174. In my opinion, the proposed first floor rear extension would not give rise to significant adverse overbearing impacts to No.174. Due to the substantial distance between the first floor extension and 3 Vinery Way, I consider this impact also to be acceptable.
- 8.12 In the previous approved application (16/0670/FUL), a Sunlight and Daylight Study was submitted to demonstrate that it would not give rise to a significant loss of light to neighbouring properties, particularly no.174. In my view, the impact of overshadowing of the scheme currently proposed would not be materially different to that already approved given the very similar design and scale of the two schemes at first floor level.

Overlooking

- 8.13 With respect to overlooking, there would be no primary habitable windows to be installed in the west elevation of the proposed extensions facing no. 174 at first floor level. Two new rooflights would be inserted at ground floor, but these would be for natural lighting purposes rather than outlook and would be above head height.
- 8.14 New bedroom windows would be installed on the north elevation where there are currently no windows facing no. 3. However, the views from these windows would be limited to the side elevation of this neighbouring property where there are no primary habitable outlooks. In addition, these two windows would be 11.8m away from the side wall of no.3. Therefore, I do not consider the introduction of first-floor windows on the north elevation would harmfully overlook this neighbour.

The proposed nail bar building

- 8.15 Due to the modest scale of this building, I do not consider it would give rise to any adverse overbearing or overshadowing impacts to neighbouring properties.

Noise disturbance and odour control

- 8.16 In the Business Statement accompanying the application, it clarifies the premises would employ 1 full time and 1 part time employee (including the owner). The number of regular customers visiting the premises daily is estimated to be 7-9 people. Whilst the Council has no control over the intensity of use, due to its size, my view is that the comings and goings generated from the business would be relatively low and confined to the busier street frontage side. The statement also claims that most of the customers would visit the business by walking and cycling. Given this is an already busy area with a high volume of comings and goings visiting the nearby Post Office, Newsagents and St Philips Primary School, I do not consider the new business would give rise to a significant adverse increase of noise disturbance to the area or to the immediate neighbours.
- 8.17 The Environmental Health Officer raises concerns with respect to potential odour and noise from any extract system to be installed for the premises. To ensure that plant odour/noise of

the premises would not give rise to significant amenity harm to the area, conditions (odour control & plant noise insulation) are recommended.

8.18 In summary, the proposal would adequately respect the residential amenity of neighbouring properties and provide acceptable amenity for future occupiers. I consider that in this respect the proposal is compliant with Cambridge Local Plan (2006) policies 3/7, 3/12, 3/14 and 4/13.

Highway Safety and Car Parking

8.19 The Highway Safety Officer originally raised an objection to the parking provision for the nail bar and the likely obstruction of the pavement. This car parking space has been removed from the plans and I consider the Highway Authority's concern is sufficiently addressed with condition 8 in place.

8.20 As such, there is no off-street car parking provided for the business. Objectors to the application state the new business would give rise to an unacceptable increase in on-street parking and traffic flow in the area. I acknowledge that the current on-street car parking right outside the application site is in high demand. Mostly this is due to the demand from the commercial units opposite which is intensified by parents of St Philips Primary School parking during drop-off and pick-up times.

8.21 However, this is a small commercial unit and my view is that its use would generate limited additional car parking demand of a volume which would not noticeably alter the existing use of the highway. This is not a quiet residential street. Customers could also visit the nail bar on foot or by cycle, with provision made for the latter provided on the frontage and secured by condition 10.

8.22 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2 and 8/10

Refuse Arrangements

8.23 A small bin storage area would be provided in the front area of the nail bar. I consider the arrangement is acceptable. Condition 9 is recommended to ensure the details of the arrangement are acceptable.

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

Third Party Representations

- 8.25 The third party representations have been addressed in the main body of the report.

9.0 CONCLUSION

- 9.1 The proposed extensions and use would adequately respect the appearance of the existing building and the character of the area. The proposed development adequately respects the residential amenity of neighbouring properties and provides an acceptable level of amenity for future occupiers.

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 materials to be used in the construction of the external surfaces of the development hereby permitted shall accord with the details specified in the approved drawings and application form unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is in keeping with the existing building. (Cambridge Local Plan 2006 policies 3/4, and 3/14)

4. 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)

5. The Nail Bar premises of the development hereby approved shall only open between the following hours: 0830 hours and 1830 hours on Monday to Friday, 0930 hours and 1730 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)

6. Prior to the occupation/use of the development, details of equipment for the purpose of extraction and filtration of 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 shall thereafter be retained as such..

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

7. 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 said 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)

8. The boundary treatment to the front and side of the nail bar shall be completed in accordance with the approved plans prior to the use of the nail bar and shall remain in place. The frontage of the nail bar shall be paved and shall not at any time be used for the parking of vehicles.

Reason: To ensure an appropriate boundary treatment is implemented and in the interests of highway safety given the limited frontage depth and lack of turning space (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12).

9. No development shall take place until the details of bin storage and covered cycle parking for the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure appropriate arrangement for bin and cycle storage is implemented. (Cambridge Local Plan 2006 policy 3/12)

10. The curtilage (garden) of the host property as approved shall be fully laid out and finished in accordance with the approved plans prior to the development of the nail bar building or in accordance with a timetable otherwise agreed in writing by the Local Planning Authority and thereafter remain for the benefit of the occupants of the proposed property.

Reason: To avoid a scenario whereby the property could be extended/developed and have little private garden land, which is currently part of the host property (Cambridge Local Plan 2006 policies, 3/4, 3/7, 3/10)