

Application Number	11/0184/FUL	Agenda Item	
Date Received	11th March 2011	Officer	Miss Sophie Pain
Target Date	6th May 2011		
Ward	Market		
Site	82 Regent Street Cambridge Cambridgeshire CB2 1DP		
Proposal	Use as nail treatment/beauty treatment salon (sui generis) or Class A2 use in the alternative.		
Applicant	Mr Trung Nguyen 7 Michaelmas Place Garden Walk Cambridge Cambridgeshire CB4 3ED		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 No.82 Regent Street is a four storey Georgian terraced building with an attractive shopping façade. It is situated on the south side of Regent Street, within an area, which is predominantly commercial in character, along with collegiate uses. The site is situated within City of Cambridge Conservation Area 1 (Central). Downing College grounds are situated behind the site.
- 1.2 The building sits aside an antiques dealership to the north and a restaurant to the south. The street as a whole is a mix of A1, A2 and A3 uses, with residential flats above. The rear of the property backs onto Downing College grounds. The antiques shop is a grade II listed building.
- 1.3 The site is within the Cambridge Conservation Area No.1 (Central).

2.0 THE PROPOSAL

2.1 The applicant seeks a change of use of the property at ground floor and lower ground floor from an A2 use as an estate agent to a use as a nail and beauty treatment salon (sui generis) or class A2 in the alternative.

2.1 The application is accompanied by the following supporting information:

1. Floorplans

3.0 SITE HISTORY

Reference	Description	Outcome
C/04/0586/FUL	Change of use of first and second floors to independent two bedroom flat with separate access, alterations to existing use on ground and lower ground floors and proposed rear extension	PERM
C/99/0167	Change of use of ground and upper ground floors from class A1 (retail) and first floor from class B1 (business) to class A2 (financial and professional services) in the alternative.	PREM

4.0 PUBLICITY

4.1 Advertisement: No
Adjoining Owners: No

5.0 POLICY

5.1 Central Government Advice

Planning Policy Statement 5: Planning for the Historic Environment (2010)

Planning Policy Guidance 13: Transport (2001)

Circular 11/95 – The Use of Conditions in Planning Permissions

5.2 East of England Plan 2008

T9: Walking, Cycling and other Non-Motorised Transport

T14 Parking

ENV6: The Historic Environment

ENV7: Quality in the Built Environment

WM6: Waste Management in Development

5.3 Cambridge Local Plan 2006

3/4 Responding to context

3/7 Creating successful places

4/11 Conservation Areas

4/13 Pollution and amenity

6/6 Change of use in the City Centre

8/2 Transport impact

5.4 Material Considerations

Central Government Guidance

Letter from Secretary of State for Communities and Local Government dated 27 May 2010 that states that the coalition is committed to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Decisions on housing supply (including the provision of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 No significant adverse effect upon the Public Highway should result from this proposal, should it gain benefit of Planning Permission.

Head of Environmental Services

- 6.2 No objections to the proposal but recommendation of a number of conditions which include, ventilation/odours, plant noise, construction hours and waste storage.

Historic Environment Manager

- 6.3 As there are no elevations it is also assumed that there will be no alterations to the shopfront. Any changes to the shopfront may need prior authorisation.

The proposed change of use will not be detrimental to the character and appearance of the conservation area.

Cambridge City Council Access Officer

- 6.4 The premises needs to have level access and will need manicure and pedicure stations which can be lowered.
- 6.5 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:

- 84 Regent Street

- 7.2 The representations can be summarised as follows:

- Concerned about the impact of the proposed use upon nearby residents living above the premises; and
- That there are enough hairdressers on Regent Street and that they would prefer to support those which are already in business.

- 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
3. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Third party representations

Principle of Development

- 8.2 Policy 6/6 of the Cambridge Local Plan (2006) restricts the loss of A1 units within the City Centre. This unit is in an A2 use and therefore is not protected by this policy
- 8.3 In my opinion, the principle of change of use is acceptable.

Context of site, design and external spaces

- 8.4 This application proposes only some minor alterations internally, which will not be detrimental to the appearance or character of the Conservation Area.
- 8.5 It is envisaged that the owner will require alterations to the Shopfront and/or signage, both of which would be the subject of subsequent applications. Additionally, any ventilation, which may be required for the salon will require details to be submitted prior to development (condition 7) to ensure that the proposed plant is acceptable in visual terms to the Conservation Area. This can be conditioned appropriately.
- 8.6 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 4/11.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.7 On this side of Regent Street, there are many properties, which provide residential accommodation at first and second floor.
- 8.8 The beauty salon offers manicures, pedicures and nail art, and each workstation will require local ventilation to comply with Health and Safety legislation. No details of this ventilation system have been provided. To ensure that odour does not have a detrimental impact on the occupiers of neighbouring

properties, it is recommended by Environmental Health Officers that the details of the ventilation equipment is agreed by condition (condition 3). The plant used will also create noise, and it is recommended that details of this, along with mitigation measures, is also required by condition (condition 4). The Environmental Health Officer is confident that any potential noise from such plant can be adequately mitigated against and will not harm the amenity of neighbouring occupiers.

8.9 Regent Street has a variety of uses, many of which are open late and contribute to the vitality of this street. The proposed use seeks opening hours which are between 10:00 to 18:30 Monday to Saturday and not on Sundays or Bank Holidays. I consider that these opening hours are reasonable and as a nail and beauty salon, it not considered to be an excessively noisy use. Given these considerations, I do not consider that the proposal will detrimentally impact upon the residents living above these premises and neighbouring ones.

8.10 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 and Cambridge Local Plan (2006) policies 3/4, 3/7 and 4/13.

Refuse Arrangements

8.11 The application indicates an area to the rear of the site for waste storage. The activity will produce waste and this may possibly include clinical waste and sharps. In order to prevent this waste causing harm, I consider that a condition should be imposed which will require further information regarding the storage and disposal of waste (condition 5). There is an adequately sized back yard, which will be able to accommodate sufficient storage.

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

Highway Safety

8.13 The proposal does not pose harm to highway safety.

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

Third Party Representations

- 8.15 The objector also raises the point that there are not enough hairdressers along Regent Street and that they would prefer to support those which are already in business. Competition is not a planning consideration or a matter to which material weight can be attached.

9.0 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. Except with the prior written agreement of the local planning authority in writing 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)

3. 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)

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. Prior to the commencement of the use hereby permitted, the on-site storage facilities for trade waste, including waste for recycling and the arrangements for the disposal of waste detailed on the approved plans shall be provided. The approved arrangements 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. (East of England Plan 2008 policy ENV7 and in accordance with policy 4/13 of the Cambridge Local Plan (2006)

6. Unless otherwise agreed in writing by the local planning authority, there shall be no off-site storage of waste including waste for recycling associated with the use hereby permitted.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity. (East of England Plan 2008 policy ENV7 and in accordance with policy 4/13 of the Cambridge Local Plan (2006)

7. No boiler flues, soil pipes, waste pipes or air extract trunking shall be installed until the means of providing egress for all such items has been submitted to and approved in writing by the local planning authority. The approved flues, pipes and trunking shall be installed and retained thereafter only in accordance with the approved details.

Reason: To protect the special interest of the Conservation Area (East of England 2006 policy ENV6 and Cambridge Local Plan 2006 policy 4/11).

INFORMATIVE: Acupuncture, Tattooing, Semi-Permanent Skin Colouring, Cosmetic Piercing and Electrolysis are all treatments that require Registration with Cambridge City Council under the Local Government (Miscellaneous Provisions) Act 1976. The applicant is advised to contact The Licensing Team of the Refuse and Environment Service of Cambridge City Council on telephone number (01223) 457899 for further information and an application pack.

INFORMATIVE: If the business intends to serve complementary tea and coffee the applicant is reminded that under the Food Safety Act 1990 (as amended) the premises will need to register with Cambridge City Council. Contact the Food and Occupational Safety (FOS) Team of the Refuse and Environment Service of Cambridge City Council on telephone number (01223) 457890 for further information.

INFORMATIVE: If the premises intends to provide complementary alcohol it will require a Premise Licence under the Licensing Act 2003. The applicant is advised to contact The Licensing Team of the Refuse and Environment Service of Cambridge City Council on telephone number (01223) 457899 for further information.

INFORMATIVE: To satisfy conditions relating to fume filtration/extraction, it is recommended that an effective and appropriate odour/fume extract system be installed to ensure an odour nuisance is not caused to the occupiers of neighbouring premises. The system will need to deal with the two main phases of contaminants within cooking emissions: the particulate (grease, small food and smoke particles) and gaseous (odour vapour/volatile organic compounds).

It is recommended that flue terminals do not impede the final discharge termination point.

The flue / duct height should terminate at least one metre above the roof ridge level to which it is attached and a minimum operating efflux velocity of 10 to 15 metres a second should be achieved. However, the effectiveness of this system is dependent on buildings nearby. If buildings nearby are likely to have an effect on the dispersion and dilution of odour, the flue height should be at least one metre above the ridge of those buildings.

INFORMATIVE: To satisfy standard conditions relating to Noise Insulation, the noise level from all plant and equipment, vents etc (collectively) associated with this application should not raise the existing background level (L90) by more than 3 dB(A) both during the day (0700 to 2300 hrs over any one hour period) and night time (2300 to 0700 hrs over any one 5 minute period), 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 5 dB(A) correction. This is to guard against any creeping background noise in the area and prevent unreasonable noise disturbance to other premises.

It is recommended that the agent/applicant submits a noise prediction survey/report in accordance with the principles of BS4142: 1997 'Method for rating industrial noise affecting mixed residential and industrial areas' or similar. Noise levels shall be predicted at the boundary having regard to neighbouring residential premises.

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: The applicant is reminded that by virtue of this planning permission, Class E, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) allows the use of this property to be changed from an A2 use to a nail and beauty treatment salon (sui generis) use and vice versa without the need for further planning permission, provided such change of use does not take place more than 10 years after the date of this permission.

Reasons for Approval

1. This development has been approved, conditionally, because subject to those requirements it is considered to conform to the Development Plan as a whole, particularly the following policies:

East of England plan 2008: ENV6 and ENV7

Cambridge Local Plan (2006): 3/4, 3/7, 4/11, 4/13, 6/6 and 8/2

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

These reasons for approval can be a summary of the reasons for grant of planning permission only. For further details on the decision please see the officer report online at www.cambridge.gov.uk/planningpublicaccess or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected on the City Council website at:

www.cambridge.gov.uk/planningpublicaccess

or by visiting the Customer Service Centre at Mandela House.