

Application Number	18/0217/FUL	Agenda Item	
Date Received	9th February 2018	Officer	Lorraine Casey
Target Date	6th April 2018		
Ward	Market		
Site	82 Regent Street		
Proposal	Change of use from Class A2 to Nail Treatment/Beauty Treatment Salon, sui generis.		
Applicant	Mrs Mai Phan 82, Regent Street		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - Subject to the installation of further vent units, the use would not have any significant adverse impact on the amenity of surrounding occupiers. - The use complies in principle with Policy 11 of the Local Plan
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is a commercial unit on the lower ground and ground floor of a four storey semi-detached building situated on the western side of Regent Street. The upper two floors are in residential use. The surrounding area consists mainly of commercial shop units on the ground floors with residential units above.
- 1.2 The site falls within the Central Conservation Area and the pair of buildings to the south, 78 and 80 Regent Street, are Grade II listed. There are no other relevant site constraints.

2.0 THE PROPOSAL

- 2.1 The application seeks full planning permission for the change of use from Class A2 to a nail and beauty treatment salon, sui generis.
- 2.2 This is a retrospective application; the change of use was completed in April 2017, prior to this the premises were used as an estate agency.
- 2.3 The application is accompanied by the following supporting information:
1. Design and Access Statement
 2. Plans
 3. Filtration unit details

3.0 SITE HISTORY

Reference	Description	Outcome
11/0184/FUL	Use as nail treatment/beauty treatment salon (sui generis) or Class A2 use in the alternative.	Approved
17/2104/FUL	Change of use from Class A2 to nail Treatment/Beauty Treatment Salon, sui generis and new extractor fan.	Withdrawn

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 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	11 35 36 55 56 58 61 64

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework 2019 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Annex A)
Material Considerations	Cambridge Historic Core Conservation Area Appraisal 2017

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Control)

6.1 No comments.

Environmental Health

First comments (received 5/3/18)

6.2 The team is investigating an ongoing complaint regarding odour and fumes to the flats above the premises. The information provided regarding odour control is insufficient. Details of a bench vent indoor purifier have been submitted but the applicant needs to demonstrate how this will be implemented into the current design of the premises to enable pollutants to be discharged at a height that will enable dispersal without

harming neighbour amenity. It also needs to be demonstrated that the scheme can work effectively without resulting in noise disturbance to adjacent residents.

2nd comments (received 29/3/18) following clarification from agent regarding specification and noise output of bench units

- 6.3 Previous concerns have not been fully addressed. The local nail bench ventilation units may be insufficient as there will always be residual odours and fumes. Nail product chemicals are heavier than air, and further discharge and abatement may be required. An assessment of the noise impact from the bench units needs to be made against potential noise levels in the residents' flats.

3rd comments (received 19/7/18) following proposed addition of external duct enclosed with brick effect duct cover

- 6.4 Further information required in respect of the proposed extract ducting. No details provided regarding proximity to neighbouring properties, whether discharge is above potential receiver points, and what filtration is proposed.

4th comments (received 4/9/18) following submission of Noise Impact Assessment

- 6.5 The conclusions are satisfactory subject to the recommended sound insulation mitigation measures being implemented.

5th comments (received 18/2/19) following site meeting held on 29/1/19

- 6.6 At the site visit it was apparent that only one localised bench vent extractor was present to serve several nail stations. This was insufficient to adequately filter the solvent emissions from nail painting at the premises before the ambient air was extracted through the ceiling vents to be discharged to atmosphere through the existing chimney at height. The agent has confirmed that two further PURE200 bench units are to be provided to allow a maximum capacity of three nail artists working at any one time, each with an individual PURE200 in operation within close proximity to the nail painting. This is acceptable and, in accordance with the manufacturer guidance, it is important the units are regularly cleaned/replaced.

Approved is recommended subject to conditions requiring the installation of the bench vent filtration and the hours of use to be in accordance with those specified in the application form.

Urban Design and Conservation Team

- 6.7 There are concerns regarding the flue that is needed to ventilate the nail salon. This would be enclosed by a brick effect duct cover, going up the three floors of the exterior and terminating above the eaves line. Following the submission of a sample of the proposed cladding, it was concluded that the flue would be harmful to the character of the building and, hence, to the character and appearance of the Conservation Area.
- 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:
34 Cambridge Road, Wimpole, SG8 5QE (support)
82A Regent Street (objection)
- 7.2 The representations can be summarised as follows:

Support (property freeholder):

- The applicant has put forward appropriate hours of operation and has now submitted further details of equipment to be used. Provided the equipment is used it would seem the application can be granted. There would be no noise nuisance from the equipment proposed but if the applicant plays music then this should not be audible outside the premises.
- As to the air filtration there should be at least two, one for the ground floor front and one for the raised ground floor rear as there are habitable rooms immediately above. It might be appropriate to consider an additional unit for the basement floor depending upon what services are provided there. As to the extractors there should be one per work station. A condition ensuring these are put in place and maintained in accordance with manufacturer's recommendations should be added.

- The applicant states there is no waste effluent. Consideration needs to be given and perhaps conditions imposed for the storage and removal of waste eg nail varnish remover if appropriate.
- Any flue should be sited as far to the north side of the property as possible, and the machinery within the duct work located between the first and second floor windows.
- The work stations should be individually served by the ventilation system, which needs to be lagged and the noise from the fans suppressed at both ends.

7.3 *Objection (upstairs neighbour):*

- We are very glad that the Nail Bar downstairs is trying to remedy the exhaust of fumes situation. The nail bar has been operating without any ventilation at all, and hence has been ventilating dangerous organic solvents into the flat above.
- There is not an insignificant quantity of solvent fumes in the air produced by the nail bar. This has rendered one of the downstairs rooms in the flat unusable at times.
- The filtration units will achieve 2 things - removal of dust particles and some removal of solvent fumes. The removal of solvent fumes cannot be achieved by a simple sieve filter, and the proposed units therefore use an activated carbon filter, which adsorbs solvents as fumes pass through it. Activated carbon is relatively good at adsorbing solvents. However, its capacity is not very high and could therefore become fully saturated very quickly due to the high solvent use at the nail bar. In addition, activated carbon, whilst quite effective for many solvents, does not remove all solvents.
- Concerned that stand-alone filtration units will not be sufficient to mitigate the health risk. The air quality should therefore be tested to ensure the filtration units are sufficient. Operation should not be allowed to continue if air quality is found to be unsatisfactory.
- Object to the change of use until it is demonstrated that the proposal will adequately mitigate solvent fumes.

7.4 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. Design and residential amenity issues

Principle of Development

8.2 Policy 11 of the 2018 Local Plan lists a number of uses that are considered suitable within the primary shopping area (which includes sui generis uses such as beauty parlours) providing:

- The proposal complements the retail function and makes a positive contribution to the vitality, viability and diversity of the City Centre;
- There would be an active frontage; and
- It would not harm the character or amenity of the area through smell, litter, noise or traffic.

8.3 The nail bar/beauty parlour falls within the list of acceptable uses within the City Centre. Regent Street has a wide variety of uses, and I consider the use contributes to the vitality, viability and diversity of the area. The shop front has been retained and the building therefore has an active frontage to Regent Street.

8.4 In my opinion the principle of the proposal is acceptable and compliant with the first two criteria of Policy 11. The impact upon the character of the area and amenities of neighbours is considered in further detail below.

Design and Residential Amenity Issues

8.5 This is a retrospective application and, at the time the application was originally submitted in April 2018, complaints had been received from an occupier of one of the upper floor flats regarding odour and solvent fumes from the use. The application originally proposed an internal odour and fume ventilation system but, in response to concerns raised by the Environmental Health Officer, amended the proposal to include a flue to the exterior of the building, enclosed with a brick effect

cover. The Conservation Team raised strong concerns regarding the impact such a flue would have on the character of the Conservation Area and, indeed, to the potential impact of any flue given that it would have to discharge above the eaves level of the building.

- 8.6 Given the issues associated with an external flue, it was considered that further exploration would need to be given to the possibility of controlling the fumes and odours internally. A site meeting was held earlier this year with the Environmental Health and Conservation Officers. At this meeting, it was established that there was only one bench vent unit in-situ and that this was insufficient to adequately filter the emissions before the ambient air was extracted through the ceiling vents and discharged through the existing chimney. At the meeting, the agent agreed to provide two further bench vent units, and the Environmental Health Officer has advised that this would be sufficient to resolve the team's concerns and that the external flue would not be necessary. This therefore also satisfactorily resolves the Conservation Officer's concerns.
- 8.7 As this is a retrospective application, I have recommended that the required units be installed within 28 days of the date of the decision. I have been made aware that the original objector has moved out from the upper floor flat and that the Environmental Health team has not received any recent objections but, nevertheless, it is essential in the interest of the amenities of any current and future occupiers of the upper floor flats that the works be implemented as soon as possible.
- 8.8 In my opinion, subject to the installation of the additional vents required by the Environmental Health Officer, the impact of the use upon the amenities of adjacent residents would be acceptable and compliant with Cambridge Local Plan (2018) policies 11, 35 and 36.

9.0 RECOMMENDATION

APPROVE subject to the following conditions:

1. Within 28 days of the date of this decision, three Benchvent PURE200 units shall be installed to filter solvent fumes from the painting of nails at the site. The units shall be operational during the painting of nails, with a minimum of one unit operational per nail artist. The units shall thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of nearby properties.
(Cambridge Local Plan 2018 policy 36)

2. The use, hereby permitted, shall not operate other than between the hours of 0930 and 1830 Monday to Saturday.

Reason: To protect the amenity of nearby properties.
(Cambridge Local Plan 2018 policy 35)