

Application Number	11/0193/FUL	Agenda Item	
Date Received	1st April 2011	Officer	Mr Amit Patel
Target Date	27th May 2011		
Ward	Petersfield		
Site	Costa Coffee 41 - 43 Mill Road Cambridge Cambridgeshire CB1 2AW		
Proposal	Installation of grill for A/C duct on external (side) elevation (retrospective).		
Applicant	Mr Jeet Sohal 12 Station Road Letchworth Hertfordshire SG6 3AU		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 41 Mill Road stands on the north side of the street on the north-east corner of the junction of Mill Road and Mackenzie Road; it occupies the whole of the Mill Road frontage between that corner (west) and the entrance to Mill Road Cemetery (east). The ground floor, which is the subject of this application, was in commercial use as drop-in legal centre, but has been in use as a café for about 9 months. The Mill Road frontage of the building, which is where the access is located, is dominated by 6 tall openings, one a door. The property is constructed in brick with a slate roof, but it has been rendered cream at ground floor around the commercial use.
- 1.2 The surrounding area is a mixture of residential and commercial properties that tend to fall with classes A1, A2, A3 or A5. The general pattern along this part of Mill Road is of residential development on the north side of the street and commercial use at the ground floor with residential flats or storage at first floor level on the south side of the street.
- 1.3 The building is situated within the Mill Road and St Matthews area of the City of Cambridge Conservation Area 1 (Central) and is within the Mill Road District Centre (20) as defined in the Cambridge Proposals Map.

2.0 THE PROPOSAL

- 2.1 The application seeks retrospective approval for the installation of a grill to the a/c unit on the external east elevation.
- 2.2 The application is accompanied by the following supporting information:
1. Design Statement
 2. Plans
 3. Noise Data

3.0 SITE HISTORY

Reference	Description	Outcome
10/0559/FUL	Change of use to a coffee shop (A3 use).	A/C
10/0639/FUL	Installation of 3 fascia signs and 1 hanging sign (external illuminated).	A/C
10/0638/FUL	Alterations to existing shopfront.	A/C
11/0096/S73	S73 application to vary condition 2 of planning permission reference 10/0559/FUL to allow the coffee shop at 41 Mill Road to open to customers between 07:00 - 19:00 Monday to Friday, 08:00 - 19:00 on Saturdays and 08:00 - 18:00 on Sundays.	A/C

4.0 PUBLICITY

4.1 Advertisement:	Yes
Adjoining Owners:	Yes
Site Notice Displayed:	Yes

5.0 POLICY

5.1 Central Government Advice

- 5.2 **Planning Policy Statement 1: Delivering Sustainable Development (2005):** Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide

the framework for planning for sustainable development and for development to be managed effectively. This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

- 5.3 **Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009):** sets out the government's planning policies for economic development, which includes development in the B Use Classes (offices, industry and storage), public and community uses and main town centre uses. The policy guidance sets out plan-making policies and development management policies. The plan-making policies relate to using evidence to plan positively, planning for sustainable economic growth, planning for centres, planning for consumer choice and promoting competitive town centres, site selection and land assembly and car parking. The development management policies address the determination of planning applications, supporting evidence for planning applications, a sequential test and impact assessment for applications for town centre uses that are not in a centre and not in accordance with the Development Plan and their consideration, car parking and planning conditions.
- 5.4 **Planning Policy Statement 5: Planning for the Historic Environment (2010):** sets out the government's planning policies on the conservation of the historic environment. Those parts of the historic environment that have significance because of their historic, archaeological, architectural or artistic interest are called heritage assets. The statement covers heritage assets that are designated including Site, Scheduled Monuments, Listed Buildings, Registered Parks and Gardens and Conservation Areas and those that are not designated but which are of heritage interest and are thus a material planning consideration. The policy guidance includes an overarching policy relating to heritage assets and climate change and also sets out plan-making policies and development management policies. The plan-making policies relate to maintaining an evidence base for plan making, setting out a positive, proactive strategy for the conservation and enjoyment of the historic environment, Article 4 directions to restrict permitted

development and monitoring. The development management policies address information requirements for applications for consent affecting heritage assets, policy principles guiding determination of applications, including that previously unidentified heritage assets should be identified at the pre-application stage, the presumption in favour of the conservation of designated heritage assets, affect on the setting of a heritage asset, enabling development and recording of information.

- 5.5 Planning Policy Statement 23: Planning and Pollution Control (2004):** States that ‘any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to impacts on health, is capable of being a material planning consideration, in so far as it arises or may arise from or may affect any land use’. It highlights the fact that the planning system has a key role in determining the location of development which may give rise to pollution. Appendix A sets out those matters which may be material in taking decisions on individual planning applications including the environmental benefits of reducing the need for travel and the existence of Air Quality Management Areas.
- 5.6 Planning Policy Guidance 24 - Planning and Noise (1994):** States at paragraph 12, that planning authorities should consider carefully whether new noise-sensitive development would be incompatible with existing activities. At paragraph 13, a number of mitigation measures are suggested which could be introduced to control the source of, or limit exposure to, noise.
- 5.7 Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
- 5.8 East of England Plan 2008**
- SS1: Achieving Sustainable Development
ENV6: The Historic Environment
ENV7: Quality in the Built Environment
- 5.9 Cambridge Local Plan 2006**
- 3/1 Sustainable development

3/4 Responding to context
3/7 Creating successful places
4/4 Trees
4/11 Conservation Areas
4/13 Pollution and amenity

5.10 **Supplementary Planning Documents**

Cambridge City Council (May 2007) – Sustainable Design and Construction: Sets out essential and recommended design considerations of relevance to sustainable design and construction. Applicants for major developments are required to submit a sustainability checklist along with a corresponding sustainability statement that should set out information indicated in the checklist. Essential design considerations relate directly to specific policies in the Cambridge Local Plan 2006. Recommended considerations are ones that the council would like to see in major developments. Essential design considerations are urban design, transport, movement and accessibility, sustainable drainage (urban extensions), energy, recycling and waste facilities, biodiversity and pollution. Recommended design considerations are climate change adaptation, water, materials and construction waste and historic environment.

5.11 **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.

Area Guidelines

Cambridge Historic Core – Conservation Area Appraisal (2005): Guidance on the relationship between the Historic Core and new development.

Mill Road and St Matthews Conservation Area Appraisal (1999)

Guidance relating to development and the Conservation Area.

Historic open space guidance.

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

6.1 No Objection.

Head of Environmental Services

6.2 some concern about potential for noise to the flat above.
Approve with conditions

Historic Environment Manager

6.3 The grill is not obtrusive and therefore does not affect the character and appearance of the conservation area or the Historic Park and Garden. Provided the grill is powder coated as stated in the application, it will not be detrimental to the character and appearance of the conservation area.

Parks and Open Spaces

6.4 The A/C unit does not have permission and the grille is highly visible and impacts on the vistas along the avenue. The pipe will drain into trees and vegetation as well as footpath and roadway and has the potential to have an impact.

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 Councillor Lewis Herbert has asked clarification on deadlines and Ex-councillor Walker has commented on this application. While still a Councillor Cllr Walker requested that the application be brought to Committee to discuss the issues relating to air

conditioning unit and installation of a pipe. The representation is attached to this report.

- 7.2 Mill Road Trustees have also commented that there are anomalies in the planning application form as to what this application refers to, and information which has not been provided correctly in certain sections. Comments in relation to the air conditioning units noise impact and the visual impact, access to maintain the unit will require permission from the adjoining owners, that the proposal will not have an impact in terms of trees and white pipe drainage needs to be resolved.
- 7.3 Friends of Mill Road Cemetery have also commented on the application. Their comments are that the grill will have an adverse impact on the avenue, as will the A/C unit which does not have permission. The drainpipe may have an impact of the trees and vegetation and the amount of litter has increased.
- 7.4 Mill Road Society has commented that the proposal to create a hole does not have permission and the grill will have a adverse impact on the Avenue and Conservation Area.
- 7.5 The owners/occupiers of the following addresses have made representations:
- 6 Edward Street
 - 94 Argyle Street
 - 6 Golding Road
 - 47 Kingston Street
- 7.6 The representations can be summarised as follows:
- The installation of the A/C unit and grill will have an adverse impact on the Lime Trees and wider Conservation Area;
 - Impact of the grill on the avenue and buildings;
 - The creation of the hole also requires planning permission.
- 7.7 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. Context of site, design and external spaces
2. Residential Amenity
3. Refuse arrangements
4. Highway safety
5. Third party representations

Context of site, design and external spaces

8.2 The retrospective application is for the installation of a grill measuring 650mm by 1255mm to cover a hole created in the wall that is part of the east elevation of 41 Mill Road and faces onto the avenue leading to the Mill Road cemetery. The Avenue is dominated by the trees along its length with some secondary, lower shrub planting area under the canopy of the trees.

8.3 The grill is not very visible from the street (Mill Road), partly because it is set back almost 15 metres from the public highway, but also because it is partially screened by planting shrubs and planting. However, the planting, when it loses its cover, will then make the proposal more visible.

8.4 Having been on site and seen the installed grill, It is undoubtedly the case that the grill in its present un powder-coated state is very visible to people using the avenue. The applicants have stated that the external finish will be in a matching colour to the existing brick work. The Historic Environment Manager has commented that the proposal will not be intrusive in this area, if appropriately finished, and therefore subject to the exterior finish the proposal is acceptable and will not have an adverse impact on the Conservation Area or the Historic Park and Garden that is Mill Road Cemetery.

8.5 Concerns have been raised about the impact this has on the avenue, but I consider that in combination, the location, the materials and the existing planting make the proposal acceptable.

- 8.6 Subject to condition, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7 and 4/11.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.7 The proposal is for installation of a grill and not for the plant, which is internal to the building and does not therefore require planning permission. There are residential properties in the immediate area and the Environmental Health Officer is concerned that noise from the air conditioning plant behind the grill might have the potential to cause harm to the neighbouring occupiers. I do not however consider that is something that can be addressed through this application, but, if an issue, must be addressed by other legislation
- 8.9 In my opinion the proposal does not have an impact on the residential amenity of its neighbours or the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 4/13.

Refuse Arrangements

- 8.10 Comments have been raised about additional litter. I do not consider that the proposal can have any direct implications for refuse arrangements or litter generally. The refuse arrangements for the parent establishment were found to be acceptable when the application for the change of use was considered previously and this application is not considered to change that.
- 8.11 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 4/13.

Third Party Representations

- 8.12 There have been many objections to this proposal and most of the issues have been addressed in the main body of the report. The installation of the air conditioning unit within the building does not constitute development requiring planning permission. The creation of the hole is also not considered to be development as defined in the Town and Country Planning Act.

On the issue of the drain pipe, clarification has been sought from the agents and they have confirmed that this is an overflow pipe that will not be discharging large volumes of water, but a trickle and only when there is high humidity; it is also stated that the pipe will be cut back to the wall. Again, I do not consider that the presence of a pipe of this scale and for this purpose constitutes development requiring planning permission. I cannot see that there is any likelihood that it will have a material adverse impact upon the trees or shrubs nearby. In terms of the need to gain access to undertake any work on or to the grill, that is a civil matter between the applicants and those responsible for the Avenue and Mill Road Cemetery as a whole.

9.0 CONCLUSION

- 9.1 The grill is visible but if appropriately powder-coated will certainly not be intrusive in the street and will not so harm the avenue as to justify refusal of the application. Approval is recommended.

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. Within two months of the date of this decision notice the finishing colour of grill shall be agreed in writing with the local planning authority. The colour agreed shall be implemented in accordance with the approved details.

Reason: To protect the character of the Conservation Area. (East of England Plan 2008 policies ENV6 and ENV7 and Cambridge Local Plan 2006 policies 3/4 and 4/11).

3. 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)

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.

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: SS1, ENV6 and ENV7

Cambridge Local Plan (2006): 3/1, 3/4, 3/7, 4/4, 4/11 and 4/13

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.

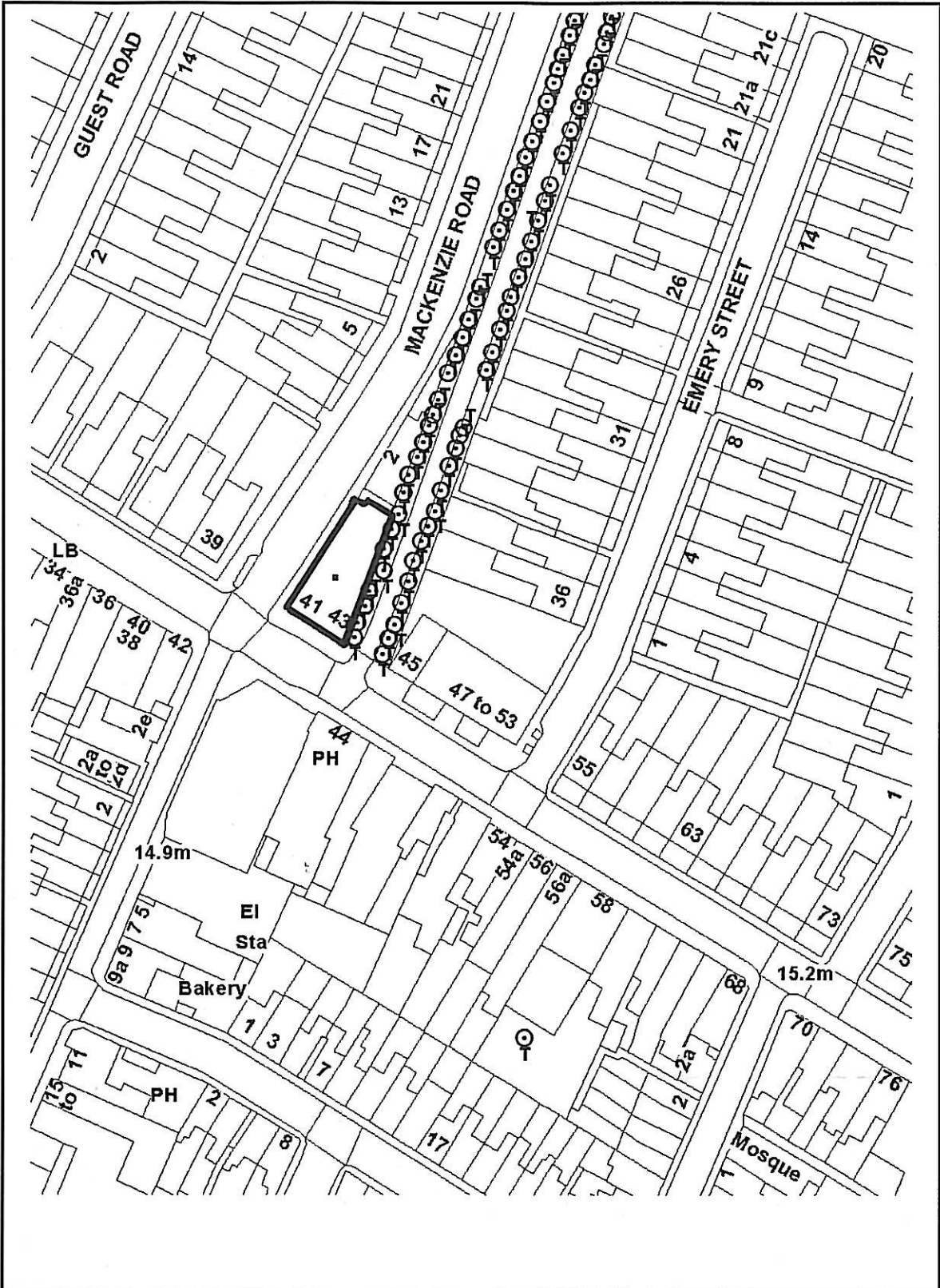
These reasons for approval can be a summary of the reasons for grant of planning permission only. For further details on the decision please see the officer report online at www.cambridge.gov.uk/planningpublicaccess or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 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 by contacting John Summers (Ext.7103) in the Planning Department.



11/0193/FUL
 Costa Coffee 41 - 43 Mill Road Cambridge

