

Application Number	19/1214/FUL	Agenda Item	
Date Received	2nd September 2019	Officer	Mary Collins
Target Date	28th October 2019		
Ward	West Chesterton		
Site	Former 56 - 58 Chesterton Road		
Proposal	Amendments to planning permission reference 17/2157/FUL for redevelopment of site to provide 2no. ground floor commercial units comprising Use Class A1 (shop), A2 (financial and professional) - in the alternative, with 8no. apartments, cycle parking and associated infrastructure - to allow A4 use (drinking establishments) at ground floor and basement with associated B2 use (microbrewery).		
Applicant	Calverley's Brewery C/O Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposed development would not have any significant adverse impact on the amenity of surrounding occupiers. - The use of the ground and basement of the premises for A4 (Drinking Establishment) and B2 (Microbrewery) is in accordance with policy 72 of the Cambridge Local Plan 2018.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is situated on the southern side of Chesterton Road and is located on the western side of the junction with Trafalgar Road.

- 1.2 The majority of the site was previously occupied by the HSBC bank. To the rear of the site is a small car parking area. The application site has permission to redevelop the site.
- 1.3 The proposed retail units fronting Chesterton Road form part of a parade of commercial units that are within the area designated as the Mitcham's Corner District Centre. The southern boundary of the site abuts the edge of the Conservation Area (De Freville no.11). The site is also located within a Controlled Parking Zone and within Mitcham's Corner Opportunity Area.

2.0 THE PROPOSAL

- 2.1 Planning permission is sought for amendments to planning permission reference 17/2157/FUL (which granted consent for redevelopment of the site to provide 2no. ground floor commercial units comprising Use Class A1 (shop), A2 (financial and professional) - in the alternative, with 8no. apartments, cycle parking and associated infrastructure) to allow A4 use (drinking establishments) at ground floor and basement with associated B2 use (microbrewery).
- 2.2 Conditions 3, 4, 5, 6, 7, 8, 9, 12, 13, 14, 18 and 19 attached to planning permission 17/2157/FUL have been discharged. The development is currently under construction. The approved basement has been increased in size by approximately 22sqm through a Non-Material Amendment.
- 2.3 The proposed A4 use would occupy the approved commercial units at both ground floor and basement level.
- 2.4 A small kitchen is proposed to be located in the basement as well as the proposed B2 use which would be situated to the rear section of the basement.
- 2.5 During the course of the application the description of the proposal has been amended to accurately reflect that the description cannot strictly refer to any change of use of the ground floor and the basement given that the approved use has not been implemented.
- 2.6 The application is accompanied by the following supporting information:

1. Design Statement
2. Drawings
3. Noise assessment

3.0 SITE HISTORY

Reference	Description	Outcome
17/2157/FUL	Demolition of former HSBC bank building and redevelopment of site to provide 2no. ground floor commercial units comprising Use Class A1 (shop), A2 (financial and professional) - in the alternative, with 8no. apartments cycle parking, and associated infrastructure	Approved 10.07.2018
17/2157/NMA1	Non-material amendment on application 17/2157/FUL for an increased basement to commercial units to provide an additional 22sq metres of basement floor area	Approved 30.07.2020

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 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	1, 6, 22

	35 36
	55 56 61
	72, 79
	80 81 82

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) Mitcham’s Corner Development Framework
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6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Control)

- 6.1 In the interests of Highway Safety request a condition requiring that prior to the operation of the micro-brewery commencing that a Servicing Plan, detailing how and when deliveries to the microbrewery will be managed in relationship to the intense traffic movements (all modes) that this area of Cambridge experiences.

Environmental Health

Original submission

- 6.2 The original development as approved by Planning Consent 17/2157/FUL, has been designed based on A1 (retail) and A2 (financial / professional) class uses for the ground floor commercial units which will adjoin 8 x residential units. This change of use application seeks to add A4 planning Class Use to the ground floor and basement. It should be noted that the potential for noise and disturbance from A4 use is significant and substantial when compared with A1 / A2 uses and therefore

it is essential that noise and disturbance is considered in detail in this application, especially given that residential units will adjoin the proposed A4 use and a detailed Acoustic Assessment is required giving full consideration of all potential impacts that the proposed change of use could have on the amenity of the neighbouring residential community when compared with the current A1/A2 class use.

Revised comments following submission of Noise Assessment and other additional information

The development proposed is acceptable subject to the imposition of the following conditions:

- Noise Management Plan
- Restrictions on A4 Use
- Noise Insulation Scheme: Separating Partitions between the Class A4 Use and Residential Units
- Class A4 Use Noise Insulation Scheme Post Completion Assessment
- Plant Room – Break Out Noise
- External Plant Noise Condition
- External Plant – Hours of Operation
- Hours of Opening of the Class A4 Use
- Hours of Use of the External Seating Area
- Operational Collection and Delivery Hours
- Use of Commercial Waste Receptacles
- Amplified Music / Voice Prohibited within Public House (Class A4 Use) - Restriction
- Odour Control: Cooking of Food on Site

Drainage

- 6.3 There are no flood risk or drainage issues associated with this application.

Access Officer

- 6.4 The counter needs a dropped height section. The till needs a hearing loop.

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:

Object

- 82 Chesterton Road
- 1 Trafalgar Road
- 32 Trafalgar Road
- 48 Denny End Road, Waterbeach

Support

- Camra
- 9 Albert Street
- 20 Alpha Terrace
- 17 Beche Road
- 145 Fitzgerald Place
- 110 Gwydir Street
- 14 Hooper Street
- 41 Humberstone Road
- 13 Kimberley Road
- 5 Long Reach Road
- 16 Manhattan Drive
- 9 Orchard Avenue
- 43 Oyster Row
- 5 Pretoria Road
- 13 Pretoria Road
- Restaurant 22
- 12 Springfield Road
- 12 Walpole Road
- 7 Woodvale Lodge, Midsummer Meadows, Manhattan Drive
- 204 The Rowans, Milton
- Flat 88 Weavers Quay, 51 Old Mill Street, Manchester

Neutral

- 5 Trafalgar Road

7.2 The representations can be summarised as follows:

Objections

Trafalgar Road is a residential street which already suffers from significant noise, drunkenness, littering associated with drinking (leftover cans, etc.), using lane as a latrine.

Police called on the basis of alcohol-related antisocial behaviour. Noise disturbances at night from the back of Thirsty wine bar, which can be particularly difficult in the Summer when it is too hot to close the windows. Adding a new establishment that serves alcohol in the mid-to-late evening will only exacerbate the existing problems with anti-social behaviour.

There are frequent incidents on the street right outside bedroom window.

There are already enough drinking establishments serving this neighbourhood.

Diversification from more of the same would be welcome.

Impact on health from disturbance.

Support

They are a small family business who make craft beer. Community brewery tap room would enhance the Mitcham's Corner community rather than detract from it. This area could easily accommodate another quality drinking establishment catering to the Craft beer market rather than another chain pub.

Given there are a number of empty commercial premises along Chesterton Road supportive of any business that is prepared to invest in the area.

As a patron and close neighbour of Calverley's Hooper Street taproom, thoroughly recommend the organisation and support this application which, if approved, will enhance the Mitcham's Corner area of Cambridge. The company has a highly responsible management team and operates ethically and morally, having consideration for both the environment and local residents.

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, Officers consider that the main issues are:

1. Principle of development
2. Residential amenity
3. Inclusive access
4. Refuse arrangements
5. Highway safety
6. Third party representations

Principle of development

8.2 The application site is situated in the Mitcham's Corner District Centre as defined by Policy 6 of the Cambridge Local Plan 2018.

8.3 Planning permission has been granted for the redevelopment of site to provide 2no. ground floor commercial units comprising Use Class A1 (shop), A2 (financial and professional) - in the alternative, with 8no. apartments, cycle parking, and associated infrastructure.

8.4 Permission is sought to amend the use of ground and basement. In this instance as the building has not been completed and the use of the units has not been implemented, the application cannot technically be described as a change of use. However, the assessment of the issues is considered to be similar. The application is for a revision to the original permission to substitute the A1 and A2 uses with A4 use and B2 (use as microbrewery).

8.5 Policy 72 of the Cambridge Local Plan 2018 states:

Within the boundary of district, local and neighbourhood centres, as defined on the Policies Map, new A1 (shop) uses will be permitted if they are in proportion to the scale and function of the centre.

Proposals for other centre uses, as defined in Table 8.1 within this policy will be permitted provided:

- a. they complement the retail function and maintain or add to the vitality, viability and diversity of the centre;*
- b. provision is made for an active frontage, such as a window display, which is in keeping with the character of the shopping area;*
- and c. they would not give rise to a detrimental effect, individually or cumulatively, on the character or amenity of the area through smell, litter, noise or traffic problems.*

Changes of use from A1 to another centre use (as set out in Table 8.1) will be permitted where the development would satisfy the above criteria and additionally: d. in district centres – the number of properties in A1 use would not fall below 55 per cent (measured as a proportion of the total number of units within the ‘A’ use classes in the district centre.

- 8.6 The proposal would in effect result in the loss of two approved retail units (A1) at ground floor level. The A4 use proposed at ground floor and basement level is considered an appropriate use on these floors in a District Centre (Table 8.1 of the Local Plan).
- 8.7 The use as a drinking establishment would complement the retail function adding to the vitality of the Mitcham’s Corner centre. The ground floor of the premises would retain an active frontage to both the Chesterton Road elevation, with interest provided by the views into the bar and the seating areas, as well as Trafalgar Road with views into the bar through a large window.
- 8.8 To ensure compliance with Policy 72 of the local plan, the applicant has carried out a review of the existing uses across the district centre and as a result of the proposal, the percentage of A1 use units would fall to 58% should the application be granted. Officers are therefore satisfied that the proposal would maintain a predominant shopping focus in the district centre, whilst maintaining vitality and viability.
- 8.9 With respect to the proposed B2 use, Table 8.1 of the Local Plan indicates this is not considered to be a suitable use in the centres.

- 8.10 Policy 72 states the loss of centre uses at ground floor level to non-centre uses will not be permitted, unless it is demonstrated that the use is no longer viable, by evidence of active marketing for at least 12 months, showing that the premises are not reasonably capable of being used or redeveloped for a centre use.
- 8.11 In this instance the proposed B2 use (as a microbrewery) would be in association with the proposed A4 use and as a tap room. It would not result in the loss of a centre use.
- 8.12 This use would be confined to an area to the rear of the basement separated from the bar area by a screen with the brewing process visible. A condition would be attached to ensure that this use is only acceptable in association with the use of the premises as A4 use.
- 8.13 In the opinion of officers the proposal is compliant with Cambridge Local Plan (2018) policies 6, 55, 56, and 72.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.14 There are residential properties on the opposite side of Trafalgar Road as well as an adjoining property in Chesterton Road.
- 8.15 Residential dwellings will also be located at first floor directly above the proposed A4 use, flats numbered 6 and 7. Flat 3 (ground floor) adjoins the proposed A4 use via both the basement (to the full extent of the flat) and via the ground floor party wall. The kitchen will be located directly below Flat 3.
- 8.16 Environmental Health Officers are satisfied that the amenities of adjoining residential properties can be protected through conditions attached to any approval. In particular conditions are considered necessary to minimise operational noise from the site through a Noise Management Plan, restrictions on the operating hours of the premises and plant, operational collection and delivery hours, and a separating partition between the proposed A4 class use on the ground floor and the adjoining residential dwellings (Flats 3 and 7) to provide adequate sound

insulation between the commercial and residential uses and odour control.

8.17 Given B2 uses are ones which are not generally compatible with residential use, a condition will be attached restricting the B2 use to use as a microbrewery only.

8.18 As such in the opinion of officers the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and is compliant with Cambridge Local Plan (2018) policies 56, 35 and 36.

Inclusive access

8.19 With regard to the Cambridge Local Plan 2018, Policy 56 (Creating successful places), this policy requires development that is designed to be attractive, high quality, accessible, inclusive and safe and proposals should create clearly defined public and private amenity spaces that are designed to be inclusive, usable, safe and enjoyable.

8.20 In the opinion of Officers, the proposal is compliant with Cambridge Local Plan (2018) policy 56.

Refuse arrangements

8.21 The commercial bin storage area for proposed use would be unchanged and would comprise two, 360 litre bins which would be provided within the separate rear access to these units off Trafalgar Road.

8.22 In the opinion of Officers the proposal is compliant with Cambridge Local Plan (2018) policy 56 in relation to refuse provision.

Highway Safety

8.23 Due to the intense traffic movements (all modes) that this area of Cambridge experiences, the Highway Officer request that a condition requiring a Servicing Plan detailing how and when deliveries to the microbrewery will be managed before the operation of the micro-brewery commences is attached. Subject to compliance with the approved servicing plan, Officers

consider that the proposal would not be detrimental to highway safety.

- 8.24 In the opinion of Officers the proposal is compliant with Cambridge Local Plan (2018) policies 80 and 81.

Cycle Parking

- 8.25 Cycle parking is unchanged from the original approval. This would be for two cycles and this would be in the combined bin and bike store which is accessed from Trafalgar Road. This level of provision is considered acceptable for the proposed A4 use.

- 8.26 In the opinion of Officers the proposal is compliant with Cambridge Local Plan (2018) policy 82.

9.0 CONCLUSION

- 9.1 In conclusion the proposal as amended would have an acceptable impact on the amenity of the occupiers of adjoining properties and future occupants and no detrimental impacts are envisaged to the streetscene by the proposal.

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 91 of the Town and Country Planning Act 1990 (as amended by 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. Prior to the operation of the micro-brewery commencing a Servicing Plan, detailing how and when deliveries to the microbrewery will be managed in relationship to the intense traffic movements (all modes) that this area of Cambridge experiences, shall be submitted to and approved in writing by the Local Planning Authority.

The Servicing Plan shall be implemented and thereafter maintained in accordance with the approved details.

Reason: In the interests of Highway Safety (Cambridge Local Plan 2018 Policy 81)

4. Prior to the operation of the premises as approved, the applicant shall provide a detailed Noise Management Plan (NMP) for approval by the Local Planning Authority. The NMP shall include details on (but not be limited to);
 - o confirmation on opening hours,
 - o confirmation that there will be no amplified music / voice on the premises,
 - o management and control of patron access to external areas, including any external area where people may congregate for any reason,
 - o management and control of noise from internal areas,
 - o management and control of people accessing / egressing the premises,
 - o collection and delivery hours (including waste and recycling),
 - o complaints procedures and details on reviewing and updating the NMP when necessary.

The NMP shall be implemented and retained as approved thereafter.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2018 Policy 35)

5. Prior to the installation of plant, 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. The scheme shall follow the principles of and demonstrate compliance with the external plant noise assessment provided in Sections 4.6-4.14 of the Noise Assessment (Ref: RP01-19438) produced by Cass Allen Acoustic Consultants (dated January 2020).

The scheme as approved shall be fully implemented before the use hereby permitted is commenced.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2018 Policy 35)

6. Before the use hereby permitted is commenced, a scheme of noise insulation for the plant room, as required to minimise impacts of break-out noise from the plant room onto Trafalgar Road, shall be submitted to and approved in writing by the local planning authority. The scheme shall be carried out as approved before the use is commenced or the development is occupied and shall be retained as such.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2018 Policy 35)

7. The separating partitions between the proposed Class A4 use (ground floor and basement) and the residential units on the ground and first floor shall be constructed in accordance with the details outlined in Sections 5.21 to 5.26 of the Noise Assessment (Ref: RP01-19438) produced by Cass Allen Acoustic Consultants dated January 2020.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2018 Policy 35)

8. The A4 use hereby approved shall not commence until a post completion acoustic assessment has been carried to confirm compliance with the noise insulation scheme for the separating partition approved under condition (insert condition number for the Public House Noise Insulation Scheme detailed above) above. A post completion acoustic assessment shall be submitted in writing for approval by the LPA. If the post completion assessment identifies requirements for any additional noise insulation scheme measures these shall be submitted for approval by the LPA. The scheme of additional measures shall be carried out as approved and retained as such.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2018 Policy 35)

9. The use hereby permitted shall not commence until a scheme detailing plant, equipment or machinery for the purposes of extraction and filtration of odours has been submitted to and approved in writing by the local planning authority. The approved scheme shall be installed before the use is commenced and shall be retained as such.

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

10. The air source heat pumps as approved shall not be operated outside the hours of 11.00 to 23.00 Monday to Saturday and 11.00 to 21.00 Sunday

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2018 Policy 35)

11. The Class A4 Use hereby permitted shall not be open to customers outside the hours of 11.00 to 23.00 Monday to Saturday and 11.00 to 22.30 Sundays and Bank/Public Holidays

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2018 Policy 35)

12. External areas serving the Class A4 Use shall be vacated by 21.00 hrs daily.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2018 Policy 35)

13. The parts of the premises identified for A4 use shall be operated and used for the purposes as detailed / defined within the "Planning Statement; Change of Use Planning Application - Commercial Unit, 54-58 Chesterton Road (Ref:1736-SBA-51-XX-RP-Z-0301 Rev P2) prepared by Saunders Boston Architects and dated August 2019 and for no other purpose (including any other purpose in Class A4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

14. The B2 use hereby approved shall be used for microbrewery only and for no other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

15. Collections from and deliveries to the Class A4 Use shall not be made outside the hours of 07.00-21.00 Monday-Saturday and 09.00-17.00 on Sundays and Bank/Public Holidays.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2018 Policy 35)

16. No bottles or other commercial refuse / waste or recycling material shall be emptied into external receptacles (including those located in the refuse store), taken out or moved around the external area of the site, between the hours of 21.00 and 07.00.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2018 Policy 35)

17. The use of amplified music and/or voice, unamplified / acoustic musical equipment and independent amplification is prohibited inside the Class A4 Use at all times.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2018 Policy 35)

A premises licence may be required for this development in addition to any planning permission. A premises licence under the Licensing Act 2003 may be required to authorise:

- The supply of alcohol
- Regulated entertainment e.g.
- Music (Including bands, DJ's and juke boxes)
- Dancing
- The performing of plays
- Boxing or wrestling
- The showing of films
- Late Night Refreshment (The supply of hot food or drink between 23:00-05:00)

A separate licence may be required for activities involving gambling including poker and gaming machines.

The applicant is advised to contact The Licensing Team of Environmental Health at Cambridge City Council on telephone number (01223) 457899 or email Licensing@cambridge.gov.uk for further information.

To satisfy the odour/fume filtration/extraction condition, the applicant will need to submit details of the type of hot food preparation and cooking anticipated on the premises, details of the canopy and any smoke and odour control measures required (including manufacturers specifications) and if appropriate, shall provide a risk assessment in accordance with Appendix 2 and 3 of EMAQ's "Control of Odour and Noise from Commercial Kitchen Exhaust Systems (update to the 2004 report prepared by NETCEN for DEFRA)" dated September 2018 to demonstrate the adequacy of the proposals in terms of odour and smoke control.

As the premises is intended to be run as a business The applicant is reminded of their duty under the Construction (Design and Management) Regulations 2007 to ensure that the that all significant risks related to the design and operation of the premises are minimised. Contact the Commercial Team at Cambridge City Council on telephone number (01223) 457890 for further information.

As the premises is intended to be run as a food business the applicant is reminded that under the Food Safety Act 1990 (as amended) the premises will need to registered with Cambridge City Council. In order to avoid additional costs it is recommended that the applicant ensure that the kitchen, food preparation and foods storage areas comply with food hygiene legislation, before construction starts. Contact the Commercial Team at Cambridge City Council on telephone number (01223) 457890 for further information.