

## EAST AREA COMMITTEE MEETING – 25<sup>th</sup> OCTOBER 2011

### Amendment Sheet/De-brief note

#### PLANNING APPLICATIONS

CIRCULATION: First

ITEM:                    APPLICATION REF:            **11/0710/FUL**

Location:        103 Mill Road, Cambridge

Target Date: 16<sup>th</sup> August 2011

#### To Note:

A.1 Two further emails have been received from the Mill Road Society (MRS), which contain additional comments on the application, including the proposed delivery bay. The comments are from three different members of the Society. The issues raised are as follows.

A.2 Member 1

1. Mill Road is less wide outside the application site than the applicants' delivery bay drawings suggest.
2. A lamppost at the west end of the site frontage, and trees at the east end, would obstruct the formation of the proposed delivery bay.
3. The Savill Bird and Axon report submitted by the applicants is wrong to say that congestion and delays do not occur when deliveries are made along this section of Mill Road.

A.3 Member 2

1. At time of permission for D2 use in 2001, the highway authority commented that removal of vehicular access from front of building would have significant benefit for highway safety.
2. Proposal for an on-street delivery bay at 163-167 Mill Road in 2007 was opposed by the highway authority on the basis of conflicts created between delivery movements and pedestrians.
3. Observations by Mill Road Society at Sainsbury's store in St Andrew's Street suggest the main delivery there takes several times longer than the applicants in this case suggest, and that more than one delivery vehicle may be present at the same time.
4. Insufficient time to comment on amendments have been submitted very late in the process, and interested parties have had insufficient time to comment.
5. Applicants' claim that highways issues do not constitute legitimate ground for refusal is incorrect.
6. Dawcroft accounts filed at Companies House for the financial year to

April 2010 show an increase of turnover by 15%, and increase in operating profit by 142%, and an increase in net profit by more than 100%, compared to 2008-2009. This undermines the applicants suggestion that the pool hall has experienced a steady decline in turnover.

A.4 Member 3

1. Dawecroft cannot settle this year's bank obligation without selling part of their property. As the Burleigh Street snooker club is less accessible, that should be the property sold, not 103 Mill Road.

A.5 The highway authority has responded to the above points as follows.

A.6 MRS Member 1, point 1: The restricted width of Mill Road at this point would be addressed by the provision of the loading bay, as would impact affecting congestion on Mill Road. By provision of the loading bay the servicing vehicle is able to leave the carriageway unobstructed, hence the Highway Authority's objection only being addressed by a full-width loading bay.

A.7 MRS Member 1, point 2: The lamp post restricts passage along Mill Road, but it would be difficult to demonstrate that that is made significantly worse by the proposal. It is already there. The proposal may, however, provide an opportunity to relocate it to a position where the obstruction is reduced, alongside the layby where the footway, at 1.8 metres, is wider than surrounding footways. The tree located to the north-western end of the layby would require to be addressed within the design. That is not an issue for the Highway Authority, but for the developer and the Planning Authority to consider. By imposing a Grampian condition the position of the Planning Authority would appear to me to be safeguarded as only an approved scheme could be constructed, and without such a scheme, opening of the site as a retail unit would be precluded by the condition.

A.8 MRS Member 2, point 1: Whilst removal of previous frontage access at the time Class D2 use was permitted was regarded as providing a significant benefit, the removal of access could not be required by the Highway Authority as retention would not have resulted in detriment. The comment of the highway authority indicated a positive benefit resultant from that proposal at the time. Furthermore access at that time was unrestricted: it was available to both customers and deliveries, and available to multiple vehicles simultaneously. In this case, it is not proposed that vehicles are able to access the site in the same way, but to provide an identified layby with a geometry suitable to allow access and egress for vehicles making deliveries.

A.9 MRS Member 2, point 2: Any application must be considered in context with regard to individual characteristics and circumstances relating to the site. At 163-167 Mill Road, there is a rear service yard. The present application site does not, and has been serviced, albeit at a lower intensity, from the frontage on Mill Road. The use of the service bay proposed at 163-167 Mill Road would not have been limited to particular times. The bay proposed in this case would be subject

to the same time restrictions as that frontage of Mill Road already experiences. This restricts usage to periods of lower traffic flow on Mill Road. The loading bay on Mill Road would be within the public highway and usable by any delivery vehicle, giving a degree of potential benefit to flow on that frontage, with its restricted width. However there is a possibility that a servicing vehicle for Sainsbury's will arrive when the bay is occupied. Under such circumstances it would be difficult to demonstrate significant additional detriment as currently the servicing vehicle occupying the bay would be obstructing flow. The bay effectively provides accommodation for one vehicle servicing and offsets the needs for one vehicle servicing. Servicing from the road, by the existing units, as well as the applicants, is a material consideration and, for the circumstances and conditions at and around the application site. The applicant has proposed a servicing plan for their operation which I must take at face value. If the applicant can, in the Planning Authority's opinion, be held to the proposed servicing arrangements, then those servicing proposals would be acceptable.

- B.1 An email has been received from the organization Living Streets (formerly the Pedestrians' Association, commenting on the proposed delivery bay).
- B.2 The response states: 'It is unacceptable that, in an area where the width and amenity of many of the footways leave much to be desired, pedestrians should be confronted on their desire line with either a lorry (during the hours when deliveries are permitted), illegally parked vehicles (which will inevitably take advantage of the bay at any time) or a descent and ascent into and out of the bay (particularly disadvantageous to the visually impaired). The necessary diversion around the bay shows scant regard for the position of pedestrians at the head of the hierarchy of road users.'
- C.1 An email has been received from a pedestrians' representative on the Cambridge Cycle/Walking Liaison Group, stating: 'I wish to express my utmost concern at the Sainsbury's request for planning permission to create a loading lay-by actually on the pavement in Mill Road. I feel that such a proposal would compromise the safety of disabled people such as myself, as well as elderly people and adults with prams. The implications of such people being forced to step into the road and therefore facing traffic, even cyclists, at their peril, fills me with utter horror and dread. Therefore, I am totally against this specific proposal.
- D.1 An email has been received from the Cambridge Cycling Campaign making further objections to the application, including the proposed amendment to include a delivery bay. The documents submitted are attached to the amendment sheet. The key issues raised are as follows.
- The applicant has proposed a loading bay that simply will not fit an 11m lorry, according to our expert on lorry tracking diagrams
  - The cycle parking will not fit;
  - Theft of the pavement for a loading bay is unacceptable and unprecedented.

- E.1 An email has been received from the City Council Access officer, stating: 'Mill Road footways are not ideal for the visually impaired, wheelchair users or those walking with mobility aids. The reduction in the width of the footway and the loss of a straight section of footway will both cause difficulties for disabled people.'
- F.1 The applicants have submitted a revised Certificate B indicating that they have notified the owners of the additional land required to create the proposed delivery bay, and a revised location plan for the application which includes within the red line all the land required for the creation of the delivery bay and the dedication of additional land as public highway to create the necessary footway width.
- G.1 A communication has been received from Dawecroft, the present operators of the site and 39b Burleigh Street. The letter sets out the operators reasons for wishing to consolidate at WT's and close Mickey Flynn's, as follows.
- G.2 Mickey Flynn's will close irrespective of the conclusion of this application. We, as a business, cannot continue to operate two premises in such close proximity to each other. Given the longer opening hours and larger premises already available at WT's, we will be able to accommodate the demand created by the closure of Mickey Flynn's. As such, we satisfy the provisions of Policy 6/1 of the Local Plan.
- G.3 Much has been made of the potential loss of leisure to the area yet we do not see how this is a valid point. All members of Mickey Flynn's are automatically members at WT's at no extra cost. The two sites are situated less than 1.0km from each other and, until people were forced to be more cautious about their leisure spending, a large number of our core members patronised both premises regularly.
- G.4 It has been suggested that we attempt to market the premises to alternative leisure operators or snooker/pool hall operators so that leisure facilities are not lost. Apart from the fact that this would no more ensure the survival of our overall business than trying to maintain both premises, we are certain that this would not make an attractive going-concern for other leisure operators. Our business straddles the snooker and pool industry and the licensed premises industry, both of which have been in sharp decline during the last five years. Snooker clubs in Newmarket and Rushden have been recently forced to shut, and the largest national chain, Riley's was forced into receivership Considering that 76% of our current trade bar sales, surely no-one is in any doubt over the dire state of the licensing trade. Cambridge, particularly the Mill Road area itself, has seen the closure of numerous pubs in recent years including the Locomotive, The Duke of Argyle, The Standard and The Jubilee. Personally, with twenty-five years of experience within the trade, I do not regard such closures as a short-term reaction to the economic climate but more a sea change in spending and leisure habits. The actions we are endeavouring to take will ensure that WT's doesn't become another of these sad statistics.
- G.5 The existing planning restrictions on the unit mean that it cannot be occupied

by anything else without the need for planning permission. For us, getting an A1 user makes more commercial sense and also is a more appropriate use in the District Centre. Leasing our site to Sainsbury's provides for us and our employees the best opportunity to secure our future. Sainsbury's will be a great addition to Mill Road and boost the attractiveness of the street which we believe has undoubtedly diminished as a shopping location.

- G.6 Critically, all the jobs at Mickey Flynn's will be retained at WT's. Sainsbury's have stated that they plan to create approximately 25 new jobs within the local area. Given the economy and what I understand of the current coalition governmental drive to create employment, I would have thought that these new jobs should be welcomed. We are a local business attempting to stabilise and plan for the future. We currently employ 22 people. Surely, the Council should be supporting us as well. This investment should be welcomed by the Council, in terms of supporting an existing local business and allowing a national retailer to boost our local economy.
- G.7 From a personal perspective, I feel a sense of failure and sadness that we are unable to keep Mickey Flynn's open and the decisions which have been made have not been easy to reach. We need this application to be supported in order to secure and protect our business and continue promoting cue sports within the local area. We firmly believe this will be a positive move for not only our business, but also Mill Road.

#### AmendmentsTo Text:

- H.1 Paragraph 8.37 should be amended to read: 'The City Council's Cycle Parking Standards require one cycle parking space for every 25m<sup>2</sup> of gross floor area (GFA). The GFA proposed here is 383m<sup>2</sup>, which would require 16 spaces. The application proposes 18 spaces, immediately adjacent to the entrance. It is my view that the southernmost hoop marked on the application drawings would probably need to be deleted or repositioned in order to accommodate the proposed delivery bay. Even if this hoop were lost, however the remaining 16 spaces would comply with the Council's Standards. (Please note that the recent representation from Cambridge Cycling Campaign is correct in identifying an error in the calculation set out in the Committee report, but is incorrect in stating the number of spaces proposed as only 14).

#### Conditions:

- J.1 In Condition 4, delete reference to a Traffic Regulation Order (TRO) being in place. (Most recent advice from highway authority is that a TRO would be advantageous, but not strictly necessary, as any new delivery bay would be subject to the existing TRO.) The second part of this condition, following 'so dedicated,' now to read: 'and the delivery bay itself laid out and marked, in accordance with a detailed design previously approved in writing by the local planning authority.'
- J.2 Add as Condition 7: Notwithstanding the drawings submitted, no permission is

hereby granted for an ATM on the application site. Reason: To protect highway safety. (Cambridge Local Plan 2006 policy 8/2)

- J.3 Add as Condition 8: Deliveries to the site shall take place only in accordance with the scheme set out in Paragraphs 4.10 to 4.14 of the Transport Statement by Savill Bird and Axon submitted with the application, unless otherwise agreed in writing by the local planning authority. Reason: To protect highway safety (Cambridge Local Plan 2006 policy 8/2)

Pre-Committee Amendments to Recommendation:

Amend recommendation to read as follows:

**APPROVE subject to the following conditions, and subject to no representations objecting to the proposal being received, within the statutory notice period, from the owners of the additional land included in the amended site location plan submitted on 17<sup>th</sup> October 2011, who were served with a notice under Section 11 of the Development Management Procedure Order on that day.**

**DELEGATED AUTHORITY is hereby given to officers to issue a decision notice in accordance with the Committee resolution on or after 8<sup>th</sup> November 2011, provided that by that date, no representations objecting to the proposal have been received from any parties with an interest in the land added to the application site on 17<sup>th</sup> October 2011. In the event that objections from any such parties are received, the application will be brought before East Area Committee again at a future meeting.**

**DECISION:**

---

CIRCULATION: First

ITEM:                      APPLICATION REF:                      **11/0613/FUL**

Location:              Rear Of 22 And 23 Kelvin Close, Cambridge

Target Date: 22<sup>nd</sup> July 2011

To Note:              Nothing

Amendments To Text:              None

Pre-Committee Amendments to Recommendation:              None

**DECISION:**

---

CIRCULATION: First

ITEM:                    APPLICATION REF:        **11/0865/CAC**

Location:                Anglia Property Preservation, 1 Great Eastern Street,  
Cambridge

Target Date:            16<sup>th</sup> September 2011

To Note:                Nothing

Amendments To Text:    None

Pre-Committee Amendments to Recommendation:    None

**DECISION:**

---

CIRCULATION:        First

ITEM:                    APPLICATION REF:        **11/0351/FUL**

Location:                Anglia Property Preservation, 1 Great Eastern Street,  
Cambridge

Target Date:            23<sup>rd</sup> May 2011

To Note:                Nothing

Amendments To Text:    None

Pre-Committee Amendments to Recommendation:    None

**DECISION:**

---

CIRCULATION:        First

ITEM:                    APPLICATION REF:        **11/0066/FUL**

Location:                1 Hemingford Road, Cambridge

Target Date:            1<sup>st</sup> April 2011

To Note:                No further update.

Amendments To Text:    No further update.

Pre-Committee Amendments to Recommendation:    No amendments.

**DECISION:**

---

CIRCULATION: First

ITEM: APPLICATION REF: **10/1030/FUL**

Location: 1 Hemingford Road, Cambridge

Target Date: 13<sup>th</sup> December 2010

To Note: No further update.

Amendments To Text: No further update.

Pre-Committee Amendments to Recommendation: No amendments.

**DECISION:**

---

CIRCULATION: First

ITEM: APPLICATION REF: **11/0201/FUL**

Location: 1 Hemingford Road, Cambridge

Target Date: 1<sup>st</sup> July 2011

To Note: No further update.

Amendments To Text: No further update.

Pre-Committee Amendments to Recommendation: No amendments.

**DECISION:**

---

CIRCULATION: First

ITEM: APPLICATION REF: **11/664/FUL**

Location: 187 Cherry Hinton Road, Cambridge

Target Date: 15<sup>th</sup> August 2011

To Note:



## **Summary of Representations**

1 Representation was omitted from the officer report:

### **193 Coleridge Road.**

I have attached this letter to the amendment sheet. The issues raised are covered in the original report.

#### **Amendments To Text:**

**Pre-Committee Amendments to Recommendation:** None

#### **DECISION:**

---

**CIRCULATION:** First

**ITEM:** **APPLICATION REF:** **11/0659/FUL**

**Location:** 25A Romsey Road, Cambridge

**Target Date:** 3<sup>rd</sup> August 2011

**To Note:** Nothing

**Amendments To Text:** None

**Pre-Committee Amendments to Recommendation:** None

#### **DECISION:**

---