

Application Number	11/0784/FUL	Agenda Item	
Date Received	18th July 2011	Officer	Miss Amy Lack
Target Date	12th September 2011		
Ward	Market		
Site	The Earl Grey 60 King Street Cambridge Cambridgeshire CB1 1LN		
Proposal	Change of use from betting office (Use Class A2) to restaurant (Use Class A3) and takeaway (Use Class A5) with alterations to front windows and door and installation of extract fan and ducts.		
Applicant	Mr Amin Rahman 11 Montgomery Road Cambridge Cambridgeshire CB4 2EQ		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is situated on the south side of King Street, in the city centre. The building is two storeys in height, and is currently vacant although it was previously occupied by Labrookes, a betting shop (Use Class A2) at ground floor level for in excess of 10 years up until 2008, with a residential use above at first floor level, typical of many properties in King Street.
- 1.2 King Street has a wide range of uses, including a diverse and eclectic range of public houses, and a range of restaurant and café (Use Class A3) uses. At ground floor level the southern side of this part of the street is predominantly commercial. Immediately opposite the site, on the north side of the road, is Manor Place comprising residential properties that front directly onto the street, albeit that they are set up slightly from pavement level. To the south of the site are the grounds of Christ's College, a Grade II Historic Park and Garden.

1.3 The site is within City of Cambridge Conservation Area N^o1 (Central) and falls within a secondary shopping frontage in the City Centre. The building is not listed.

2.0 THE PROPOSAL

2.1 The application seeks a change of use from a betting office (Use Class A2) to restaurant (Use Class A3) and takeaway (Use Class A5).

2.2 External alterations are also proposed. These include alterations to the windows on the front elevation at ground level which are lengthened downwards by 0.3 metres. The width of the entrance door located to the west of the front elevation is to be increased to 1 metre from 0.9 metres.

2.3 To the rear of the building a flue, 2.4 metres high is proposed protruding from the flat roof of an existing a single storey element, 2.7 metres high, that will accommodate a new kitchen in place of existing toilets which are to be relocated.

2.4 The application is accompanied by the following supporting information:

1. Design and Access Statement

3.0 SITE HISTORY

Reference	Description	Outcome
C/84/0510	Change of use from offices to three bed-sitting rooms	A/C
10/1096/FUL	Change of use from A1 (shop) to A3 (Restaurant Cafe)/A4 (Drinking Establishment).	A/C

3.1 Previous planning application reference 10/1096/FUL was approved at West Central Committee on 24 February 2011. This granted permission for a change of use from a shop (Use Class A1) to a Restaurant/café (Use Class A3) and Drinking Establishment (Use Class A4).

3.2 This current application originally proposed a change of use from a former public house (Use Class A4) and betting office

(Use Class A2) to a restaurant (Use Class A3) and drinking establishment (Use Class A4). The previous application, reference 10/1096/FUL, proposed a change of use from a shop (Use Class A1). The inconsistency of the applications in describing the existing use raised questions over the current lawful use of the site.

3.3 Further to entering the building as part of my site inspection and receiving confirmation from the City Council's Business Rates, it has been established that the lawful use of the property is Use Class A2, last occupied by betting shop Labrookes. Labrookes operated at the site from at least the year 1994 up until the year 2008 when the company vacated the ground floor and it has since sat unoccupied.

3.4 Accordingly the applicant has amended the description of the proposal to read:

'Change of use from betting office (Use Class A2) to restaurant (Use Class A3) and takeaway (Use Class A5) with alterations to front windows and door and installation of extract fan and duct'.

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 **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.

5.6 **East of England Plan 2008**

SS1: Achieving Sustainable Development

ENV6: The Historic Environment

ENV7: Quality in the Built Environment

T1: Regional Transport Strategy Objectives and Outcomes

WM6: Waste Management in Development

5.7 **Cambridge Local Plan 2006**

3/1 Sustainable development

3/4 Responding to context

3/7 Creating successful places

4/11 Conservation Areas

4/13 Pollution and amenity

6/10 Food and drink outlets.

5.8 **Supplementary Planning Documents**

5.9 **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.

5.10 **Material Considerations**

Central Government Guidance

5.11 **Draft National Planning Policy Framework (July 2011)**

The National Planning Policy Framework (Draft NPPF) sets out the Government's economic, environmental and social planning policies for England. These policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations.

The Draft NPPF includes a set of core land use planning principles that should underpin both plan making and development management (precised form):

1. planning should be genuinely plan-led
2. planning should proactively drive and support the development and the default answer to development proposals should be 'yes', except where this would compromise the key sustainable development principles set out in the Draft NPPF
3. planning decisions should take into account local circumstances and market signals such as land prices, commercial rents and housing affordability and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business community
4. planning decisions for future use of land should take account of its environmental quality or potential quality regardless of its previous or existing use
5. planning decisions should seek to protect and enhance environmental and heritage assets and allocations of land for development should prefer land of lesser environmental value

6. mixed use developments that create more vibrant places, and encourage multiple benefits from the use of land should be promoted
7. the reuse of existing resources, such as through the conversion of existing buildings, and the use of renewable resources should be encouraged
8. planning decisions should actively manage patterns of growth to make the fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable
9. planning decisions should take account of and support local strategies to improve health and wellbeing for all
10. planning decisions should always seek to secure a good standard of amenity for existing and future occupants of land and buildings.

The Draft NPPF states that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent development.

5.12 Letter from Secretary of State for Communities and Local Government (27 May 2010)

The coalition government 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.

5.13 Written Ministerial Statement: Planning for Growth (23 March 2011)

Includes the following statement:

When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant and consistent with their statutory obligations they should therefore:

(i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;

(ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;

(iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);

(iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;

(v) ensure that they do not impose unnecessary burdens on development.

In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.

5.14 City-wide guidance

The Cambridge Shopfront Design Guide (1997) – Guidance on new shopfronts.

5.15 Area Guidelines

Cambridge Historic Core Conservation Area Appraisal (2005) - Guidance relating to development and the Conservation Area.

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 No significant adverse effect upon the Public Highway should result from this proposal.

Head of Environmental Services

- 6.2 No objection subject to conditions. Noise and odour should be controlled by condition to protect the amenity of nearby occupiers at Manor Place. The fume filtration/extraction condition should also be imposed.
- 6.3 To limit the noise of patrons opening hours should be limited to those proposed by the applicant of 0800-2300hours 7 days a week. Refuse and recycling has not been shown on the plans, this should be conditioned.
- 6.4 The applicant is advised to discuss licensing with the Licensing Manger; this should be advised by informative. The Food and Occupational Safety (FOS) team should also be contacted, advised by informative.

Design and Conservation Team

- 6.5 No objections to the principle of the application. However, there are inconsistencies between the Design and Access Statement and the plans submitted with the application. The lowering of the windows may be acceptable and the uncovering of the windows as was proposed by planning application reference 10/1096/FUL would enhance this building and the conservation area.
- 6.6 The widening of the entrance door is not supported. There are two doors which 'bookend' this shopfront. Both should be altered in the same way to retain the balance of the frontage.
- 6.7 The extract to the rear of the building appears very tall. As such there is concern that this will be visible from the grounds of Christ's College, which is a Grade II Historic Park and Garden. The impact needs to be clarified for it is not easy to assess from the submitted plans. The duct should be kept to the minimum

height possible and the colour changed to matt black so that light does not bounce off so that it draws attention to itself.

Head of Policy

- 6.8 There are no national policy restrictions on a change of use from A4 (mixed with A2 in this case) to another use. Cambridge Local Plan (2006) policy 5/11 seeks to protect existing community facilities falling within Class D1 'Non-residential institutions'. Public Houses fall within use class A4 so this policy is not applicable in this case. Policy 6/6 refers to change of use from A1 to A2, A3, A4 or A5. The site is already outside of the A1 use class having housed a betting office (A2) and public house (A4). This policy would not restrict a further change of use to A3/A5.
- 6.9 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:

- 4, Manor Place
- 12, Manor Place
- 29, Manor Place
- 32, Manor Place
- 58, Manor Place

- 7.2 The representations can be summarised as follows:

Noise and odour

- Noise from existing customers of takeaways, restaurants and pubs along this road will be exacerbated by another commercial premises;
- Additional traffic will generate more late night noise;
- Cooking smells are already a nuisance to residents of Manor Place, this proposal will make this situation worse.
- It will encourage loitering, anti-social behaviour and littering;

Highway safety

- An increase in traffic on an already busy road will lead to more illegal parking

7.3 Cambridge Past, Present and Future has made a representation. This welcomes the prospect of a building being brought back into use after being closed for 3 years. However, they believe the scheme should seek to enhance the frontage by improving the detailing of the windows and doors.

7.4 The King Street Neighbourhood Association c/o 32 Manor Place has objected to the proposal. Objections are similar to those third party comments summarised above. Conditions are also requested should the application be approved. These relate to the following: the premises should only be open until 23:00, by 00:00 the premises should be vacant of customers and staff; entrances should have double opening doors and a lobby to reduce sound; extract equipment for the kitchen should be hidden from the street to protect the character of the conservation area; the Conservation Manger should be involved regarding the appearance of the building.

7.5 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. Disabled Access
5. Refuse Arrangements
6. Car and cycle parking
7. Highway safety
8. Third party representations

Principle of Development

- 8.2 The application seeks a change of use from betting office (Use Class A2) to restaurant (Use Class A3) and take away (Use Class A5) within the City Centre. The relevant policy in this case is policy 6/10 of the Local Plan. This states:

Cambridge Local Plan (2006) policy 6/10 Food and Drink Outlets

Development for Use Classes A3, A4 and A5 (food and drink) will only be permitted:

- a – where the proposal will not give rise to unacceptable environmental problems or nuisance and the individual and cumulative impact of the development is considered acceptable; and
- b - it is in an existing centre or is part of a mixed use area in an urban extension or the Station Area.

- 8.3 Policy 6/10 aims to restrict food and drink outlets to the City Centre or local centres as opposed to encouraging such uses in predominantly residential areas. This site is located within the City Centre and therefore complies with this policy. However, I am mindful that the application site is surrounded by residential properties. Residents of Manor Place, which is a residential development located across the street from the application site have submitted a number of third party representations in objection to the proposed change of use. As such, the potential for the proposal to give rise to unacceptable environmental problems of noise and odour nuisance must be given special consideration and whether the individual and the cumulative impact of the development is considered acceptable.
- 8.4 The Environmental Health Officer consulted on this application has raised no objection to the proposal, subject to conditions which they consider will adequately protect nearby residential occupiers. With regard to the cumulative impact resulting from an additional restaurant (Use Class A3) and takeaway (Use Class A5) in the street, I am of the opinion that the character of the street, which has a large number of drinking and eating establishments and a lot of movements during the evening hours, is such that the addition of this relatively small establishment would not materially have an adverse impact upon the locality to the extent that would justify refusal of the application.

- 8.5 Bringing this building back into commercial use as a restaurant (Use Class A3) and take away (Use Class A5) does have the potential to be a noise, disturbance and odour nuisance and would in my view need to be strictly controlled. The Environmental Officer has not raised any objection to the proposal, but this is subject to conditions to safeguard residential amenity.
- 8.6 It is also a material consideration that the premises have recently been granted permission (planning reference 10/1096/FUL) for a change of use to a restaurant (Use Class A3) and drinking establishment (Use Class A4). This was subject to conditions suggested by the Environmental Health Officer to restrict opening hours, hours of use of the courtyard to the rear and control the entertainment in the public house and precluding the taking of drinks out into the street. The last of these was considered particularly important because of the issue of patrons, especially those who wish to smoke, congregating outside and creating noise in the street. I believe the restaurant (Use Class A3) and takeaway use (Use Class A4) proposed by this current application is far less likely to result in noise nuisance and disturbance to the extent that occupation by a public house (Use Class A4) potentially would.
- 8.7 On balance, I am of the opinion that the introduction of the proposed uses in this location need not give rise to unacceptable environmental problems or nuisance, subject to conditions. I will address these in the section below under the heading 'Residential Amenity'. I am also mindful that it is a material consideration that the site benefits from an extant permission under planning reference 10/1096/FUL and this permits similar types of use. In light of this and the other reasons given above I consider the principle of the development acceptable and in accordance with Cambridge Local Plan (2006) policy 6/10, and East of England Plan (2008) policies SS1 and ENV7.

Context of site, design and external spaces

- 8.8 The only elements of the application which have a visual impact in the Conservation Area within the streetscene are alterations to the fenestration at ground floor level.

- 8.9 The Conservation Officer does not support the increase in the width to the entrance door which is to the east of the frontage given a similar door to the west. I agree with the Conservation Officer that the symmetry of the doors in this frontage give a 'bookend' appearance that is visually pleasing in the street scene. However, the other door serves as the entrance to 62 King Street and is not included within the site boundary of this application. It is therefore outside of the control of the applicant and it is not possible to insist that this door is also widened to retain this symmetry. Despite the widening of the door to 60 King Street, this feature will be retained, albeit not as uniform in appearance. This building is not listed and the increase in the width of the door will serve to allow more inclusive access onto the premises. I consider the imposition of conditions to control the details of the appearance of the building (conditions 9 and 10) will serve to protect the character of this part of the area the Conservation Area.
- 8.10 To the rear of the site, installed on the flat roof of a 2.7 metre high single storey element, a flue is proposed. This will rise 2.4 metres to its maximum height from the roof. However, this will not be visible from the immediately adjacent fellows garden of Christ's College to the south due to a 5.4 metre high brick wall along the shared boundary. The Conservation Officer has raised concern at the potential visual impact of the flue upon the grounds of the college which is a Grade II Listed Historic Park and Garden. However, given the unusually high brick wall I am satisfied that the flue will only be visible within the back garden areas of neighbouring buildings along this side of King Street and also from windows to upper floors of this row. As recommended by the Conservation Officer I suggest a condition is imposed that requires the finish of the flue is black in colour (condition 7) this will serve to eliminate any glare from the flue which is likely when finished in stainless steel.
- 8.11 In my opinion, subject to conditions as suggested above, the proposal is compliant with East of England Plan (2008) policies ENV6 and ENV7, Cambridge Local Plan (2006) policies 3/4 and 4/11, and with government advice contained within PPS1 and PPS5.

Residential Amenity

- 8.12 A number of the third party representations received express concern at the potential for the proposed use to have a harmful impact upon the residential amenity of neighbours, particularly for those opposite the site living in Manor Place. They believe the proposal will exacerbate noise and disturbance from customers and additional vehicles already experienced as a result of the existing commercial establishments along King Street. However, as considered above under the heading 'Principle of Development' I do not consider the impact of a single, modestly-sized additional premises to be significantly detrimental especially if satisfactorily controlled by conditions. Conditions to restrict the hours of construction (condition 2); control noise insulation (condition 3); the details of the storage of trade waste (condition 5) and opening hours (condition 6) will serve to protect the residential amenity of nearby occupiers.
- 8.13 Cooking at the premises could potentially result in odour nuisance outside of the site. This has been raised by a number of the objections received from local residents. Environmental Health have suggested a condition to safeguard against pollution by odour fumes (condition 4) and I am satisfied that this will protect the residential amenity of neighbours. Odours can also be managed through environmental health legislation.
- 8.14 In my opinion, subject to the conditions recommended, the proposal adequately respects the residential amenity of its neighbours and I consider that, in this respect, it is compliant with East of England (2008) policy ENV7 and Cambridge Local Plan (2006) policies 3/4, 3/7 and 4/13.

Disabled access

- 8.15 This application proposes to increase the width of the entrance door to provide a clearance width of 1metre. This will not provide level access from the street but it will improve the existing access arrangements. As such, I consider the proposal compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policy 3/7.

Refuse Arrangements

- 8.16 No details have been provided for the storage of waste and recycling but I consider there to be adequate space to the rear of the property in an external courtyard. However, there is not any external access to the rear to manoeuvre bins to and from this area to the street for collection. As such, bins will have to be taken internally through the building. This is not at all desirable but it is the only practicable way to store waste and facilitate its removal and I am mindful that any use which generates waste would face the same predicament and that this is how previous uses of this unit have had to operate. Given that there is no alternative for more successfully storing waste and recycling, subject to the imposition of a condition as suggested by the Environmental Health officer (condition 5) requiring full details of these arrangements, I consider the proposal compliant with East of England Plan (2008) policy WM6 and Cambridge Local Plan (2006) policy 3/12.

Car and Cycle Parking

- 8.17 The premises does not have any car or cycle parking associated with it and the applicant does not propose to provide any due to the constrained nature of the site. Despite this, for customers visiting to stay and use the restaurant I am satisfied that the very central location of this site in the City Centre offsets this shortfall. The good provision for secure cycle parking, really accessible public transport and car parking available in nearby designated car parks all within this central location overcomes the lack of provision made by the site.

Highway safety

- 8.18 The highway officer raises no concern with regard to highway safety. As such, I am satisfied that the proposal accords with East of England Plan (2008) policy T1 and Cambridge Local Plan (2006) policy 8/1.
- 8.19 The third party representations received do not cite highway safety as a cause for concern but a couple do refer to the potential increase in illegal parking that the proposed use will encourage in order for people to stop outside and pick up takeaways. I am mindful that such uses can result in customers stopping for short periods of time, however, this part of King

Street is controlled by double-yellow lines painted along the highway, thereby prohibiting waiting or parking. Circular 11/95 explains that the planning system should not seek to duplicate the effect of other controls that are in place. In my opinion, considering the parking restrictions already in place here, the refusal of planning permission on the grounds of highway safety would represent duplication of this control.

Third Party Representations

8.20 I consider that all the issues raised through the representations have been addressed above. Issues of noise and disturbance and odour have been addressed under the headings 'Principle of development' and 'Residential Amenity'; and issues of Character under the heading 'Context of site, design and external spaces'.

9.0 CONCLUSION

9.1 I am of the view that the proposed use is appropriate at this site which currently stands unoccupied, and it can be satisfactorily controlled by conditions in a way which will make it acceptable in this location. I recommend the application be approved.

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. 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, 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)

4. 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)

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 policies 4/13 and 6/10 of the Cambridge Local Plan (2006)

6. The Class A3/A5 premises to which this permission relates shall only be open to the public between 08:00 hours and 23:00 Monday to Sunday.

Reason: To protect the amenities of nearby residential occupiers (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 Policies 3/4, 3/7 and 4/13)

7. No boiler flues, soil pipes, waste pipes or air extract trunking, etc. shall be installed until the means of providing egress for all such items from the new or altered bathrooms, kitchens and plant rooms has been submitted to and approved in writing by the local planning authority. Flues, pipes and trunking, etc. shall be installed thereafter only in accordance with the approved details.

Reason: To preserve the character of the Conservation Area (Cambridge Local Plan 2006 policy 4/11)

8. Notwithstanding the details shown on the approved plan the details of the colour finish of the flue hereby approved shall be agreed in writing with the local planning authority. Colours shall be specified by means of the RAL or British Standard (BS 4800: 1989). Thereafter the development shall be carried out in accordance with the agreed details.

Reason: To preserve the character of the Conservation Area (Cambridge Local Plan 2006 policy 4/11)

9. Full details of the colours to be used in the external finish of the building are to be submitted to and approved in writing by the local planning authority. Colours shall be specified by means of the RAL or British Standard (BS 4800: 1989). Thereafter the development shall be carried out in accordance with the agreed details.

Reason: To preserve the character of the Conservation Area (Cambridge Local Plan 2006 policy 4/11)

10. The use hereby permitted shall not commence until details (in the form of an elevational drawing at 1:50 or larger scale) of any proposed changes to the arrangement of ground-floor front elevation windows and doors have been submitted to and approved in writing by the local planning authority. Changes to these windows shall be made thereafter only in accordance with the approved details, and any windows altered in accordance with the approved details shall be retained thereafter.

Reason: To preserve the character and appearance of the conservation area. (Cambridge Local Plan 2006 policy 4/11)

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 advised that any granting of Planning Permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway, and a separate permission must be sought from the Highway Authority for such works.

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, ENV7, WM6 and T1

Cambridge Local Plan (2006): 3/1, 3/4, 3/7, 4/11, 4/13, 6/6, 6/10 and 8/1

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.