

<b>Application Number</b>	11/0710/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	21st June 2011	<b>Officer</b>	Mr Tony Collins
<b>Target Date</b>	16th August 2011		
<b>Ward</b>	Petersfield		
<b>Site</b>	103 Mill Road Cambridge Cambridgeshire CB1 2AZ		
<b>Proposal</b>	Change of use from Pool Hall (Use Class D2) to a Sainsbury's Local Store (Use Class A1) together with external alterations.		
<b>Applicant</b>	C/o Mr Sean McGrath Indigo Planning LTD Swan Court Worple Road London SW19 4JS		

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## **1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 The site is located on the north side of Mill Road, between Gwydir Street and Kingston Street. The building is single-storey, constructed of brick with a corrugated sheet roof. The site lies to the east of the Bath House, and is set back from the street frontage. The Gwydir Street car park lies behind and partly to the west side of the building. The curtilages of terraced houses in Kingston Street abut the application site at its north-east corner, but the area is mixed in use, with many retail premises in Classes A1, A2 and A3 on both sides of Mill Road at this point.
- 1.2 The site lies within the area defined as Local Centre 20 (Mill Road West) in the Cambridge Local Plan (2006). It also lies within the Mill Road section of the City of Cambridge Conservation Area No.1 (Central). The Mill Road Conservation Area Appraisal 2011 identifies the application building as a negative feature in the conservation area.
- 1.3 There are no trees on the site.
- 1.4 The site lies within the controlled parking zone. There are loading/ unloading restrictions on both sides of Mill Road in this area.

1.5 Since about 2001, the building has been operated as a pool hall (Mickey Flynn's). The club is owned by Dawecroft, which also operates a snooker club in first-floor premises at 39b Burleigh Street (WT's). The existing planning permission for pool hall use on the application site has a condition attached which precludes change to any other Class D2 use without specific planning permission.

## 2.0 THE PROPOSAL

2.1 The application seeks permission for change of use to Class A1 retail, installation of a new glazed shopfront, and minor alterations to other elevations of the building.

2.2 The application is accompanied by the following supporting information:

1. Design Statement
2. Planning and Retail Statement
3. Transport Statement
4. Statement of Community involvement

2.3 Subsequent to the application, and following comments from other parties, additional information has been supplied by the applicants or their agents

1. additional transport information (25<sup>th</sup> August 2011)
2. response to policy issues (30<sup>th</sup> September 2011)
3. letter on policy issues (10<sup>th</sup> October 2011)
4. further transport information (7<sup>th</sup> October 2011)
5. further transport information (12<sup>th</sup> and 13<sup>th</sup> October 2011)

## 3.0 SITE HISTORY

3.1

Reference	Description	Outcome
85/0911	Change of use from A1 shop to snooker club	Refused
00/0339	Redevelopment to provide A1 retail space with 35 student rooms above	Withdrawn
00/0340	Demolition	Withdrawn

00/1226	Refurbishment of existing A1 retail, including new roof, repair of brickwork and new shopfront	Approved with conditions
01/0862	Change of use from A1 shop to snooker club	Approved with conditions
01/0938	Alterations including new roof, new windows, external cladding and mezzanine floor	Withdrawn
02/0597	Erection of canopy	Approved with conditions
02/0598	Signage	Approved with conditions
05/0870	Variation of condition of 01/0862 to permit longer opening hours	Withdrawn
05/1066	Variation of condition of 01/0862 to permit longer opening hours	Approved with conditions

3.2 A number of conditions were attached to the permission allowing change of use from A1 retail to D2 pool hall (01/0862/FUL). Condition 2 limits the use to a members-only snooker and pool club, allowing no other use within Class D2. The reason given for this condition is 'to ensure that the levels of movements are within the levels anticipated in the application, and not excessive for the area' Condition 4 limits the opening hours: 8am to midnight.

#### 4.0 PUBLICITY

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

#### 5.0 POLICY

##### Central Government Advice

5.1 **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.

- 5.2 **Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009):** sets out the government's planning policies for economic development, which includes leisure uses. The policy guidance sets out plan-making policies and development management policies. The plan-making policies include planning for consumer choice and promoting competitive centres. The development management policies set out criteria against which the impact of applications for economic development should be assessed, and set out guidance on the determination of applications affecting shops, leisure uses and services in local centres.
- 5.3 **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.

- 5.4 **Planning Policy Guidance 13: Transport (2001):** This guidance seeks three main objectives: to promote more sustainable transport choices, to promote accessibility to jobs, shopping, leisure facilities and services, by public transport, walking and cycling, and to reduce the need to travel, especially by car. Paragraph 28 advises that new development should help to create places that connect with each other in a sustainable manner and provide the right conditions to encourage walking, cycling and the use of public transport.
- 5.5 **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.
- 5.6 **Planning Policy Statement 25: Development and Flood Risk (2006):** States that flood risk should be taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and that development should be directed away from areas at highest risk. It states that development in areas of flood risk should only be permitted when there are no reasonably available sites in areas of lower flood risk and benefits of the development outweigh the risks from flooding.
- 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 **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.
- 5.9 **Community Infrastructure Levy Regulations 2010** – places a statutory requirement on the local authority that where planning permission is dependent upon a planning obligation the obligation must pass the following tests:

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

## **Development Plan Policy**

### **5.10 East of England Plan 2008**

S1: Achieving Sustainable Development

T1: Regional Transport Strategy Objectives and Outcomes

T2: Changing Travel Behaviour

T9: Walking, Cycling and other Non-Motorised Transport

T14 Parking

ENV6: The Historic Environment

ENV7: Quality in the Built Environment

CSR2: Employment Generating Development

### **5.11 Cambridgeshire and Peterborough Structure Plan 2003**

Planning Obligation Related Policies

P6/1 Development-related Provision

P9/8 Infrastructure Provision

P9/9 Cambridge Sub-Region Transport Strategy

### **5.12 Cambridge Local Plan 2006**

3/1 Sustainable development

3/15 Shopfronts and signage

4/11 Conservation Areas

6/1 Protection of leisure facilities

6/7 Shopping development and change of use in the District  
and Local Centres

6/8 Convenience shopping

7/1 Employment provision

8/1 Spatial location of development

8/2 Transport impact

8/6 Cycle parking

8/9 Commercial vehicles and servicing

8/10 Off-street car parking

Planning Obligation Related Policies

8/3 Mitigating measures

10/1 Infrastructure

## **Supplementary Planning Documents**

- 5.13 **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.

## **Material Considerations**

### **Central Government Guidance**

- 5.14 **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.

#### 5.15 **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.

### **City-wide Guidance**

- 5.16 **The Cambridge Shopfront Design Guide (1997)** – Guidance on new shopfronts.
- 5.17 **Cambridge Walking and Cycling Strategy (2002)** – A walking and cycling strategy for Cambridge.
- 5.18 **Air Quality in Cambridge – Developers Guide (2008)** -

### **Area Guidelines**

- 5.19 **Cambridge City Council (2002)–Eastern Corridor Area Transport Plan:** The purpose of the Plan is to identify new transport infrastructure and service provision that is needed to facilitate large-scale development and to identify a fair and robust means of calculating how individual development sites in the area should contribute towards a fulfilment of that transport infrastructure.
- 5.20 **Mill Road Conservation Area Appraisal (2011)**

Guidance relating to development and this section of City of Cambridge Conservation Area No. 1 (Central).

## **6.0 CONSULTATIONS**

### **Planning Policy manager**

#### **First advice (02.08.2011)**

- 6.1 Policy 6/1 of the Cambridge Local Plan 2006 permits development leading to the loss of leisure facilities if either the facility can be replaced to at least its existing scale and quality within the new development; or the facility is to be relocated to another appropriate premises or site of similar or improved accessibility for its users. The present application does not seek to replace the leisure facility on site.
- 6.2 The snooker/pool hall at WT's (39b Burleigh Street) is not as accessible as the pool hall on the application site as it is located

on the first floor of a building. No information has been provided on the distance users of the Mill Road pool hall travel to use it, so no indication has been given that WT's would be equally accessible.

- 6.3 Paragraph 6.4 of the Cambridge Local Plan 2006 states that in the exceptional circumstances where there is no longer a need for a leisure facility and the site or building would not be suitable for an alternative leisure use, development for a non-leisure use may be acceptable.
- 6.4 It is not considered that the applicants have provided sufficient information to indicate that the leisure facility is no longer required. Neither financial data on WT's and Mickey Flynn's to indicate any downturn in usage nor marketing work to show that there is no interest from another snooker/pool hall operator or another D2 use in occupying the site. Additionally, no information on the level of usage of WT's is provided to indicate that the level of demand for WT's allows sufficient scope for former users of Mickey Flynn's.
- 6.5 The existing planning condition precluding the use of the building by any other D2 user was imposed under an earlier local plan, and does not outweigh the requirements of Policy 6/1 of the 2006 Local Plan Furthermore, an application could be made to remove or vary this condition at any time.

**Second advice (03.10.2011)** (following 30.09.2011 information)

- 6.6 For the avoidance of doubt comments have been provided both in relation to the retail proposal, and in relation to the loss of the leisure facility.

**Retail**

- 6.7 Site is within Mill Road West District Centre. Local Plan Policy 6/7 states that additional development within classes A1 will be permitted in District and Local Centres if it will serve the local community and is of an appropriate nature and scale to the centre. An A1 use would be entirely acceptable within a District Centre. Policy 6/8 deals with convenience shopping. Criterion a) of this policy permits smaller shops (up to 1,400 square metres net) in existing centres. The application is for a store of 248 sq m net sales in a District Centre and therefore would be

in line with this policy. In summary an A1 foodstore of this size would be acceptable within the Mill Road District Centre in planning policy terms.

## **Leisure**

- 6.8 Some information has now been provided on level of transport access to WT's, but no indication has been given on the distance users of the existing snooker/pool hall travel to use it. So no indication has been given that WT's would be equally accessible in terms of distance, proximity to bus routes, cycle and car parking for those using the existing site on Mill Road.
- 6.9 The applicants have now provided a number of years financial data on both WT's and Mickey Flynn's to indicate that there has been a downturn in usage at both sites. This is noted. However, no marketing work has been undertaken to show that there is no desire expressed by another snooker/pool hall operator or another D2 use to occupy the site.

## **Cambridgeshire County Council (Engineering)**

### **First advice (15.07.2011)**

- 6.10 The proposal lies on a busy street with a poor accident history, particularly in regard to vulnerable highway user groups. It includes an ATM, accessible from outside the store, which will engender short-stay parking, including during the evening and hours of darkness. Hurried vehicle stops may result in cyclists veering out around the vehicle, with potential for 'squeezing' and "dooring" accidents. Therefore the highway authority objects to the application because of adverse impact on highway safety.
- 6.11 Deliveries on this stretch of street are from the street frontage, and the proposal seeks to use this method. The highway authority seeks additional information to verify the acceptability and practicability of the method of servicing the site proposed in the application, restricting deliveries to before 08.30 (in accordance with the existing traffic Regulation Order).
- 6.12 Information required: (a) beat surveys during the hours of 06.30 and 08.30 to establish the degree and location of servicing on this frontage for 100 metres either side of the site, including size

and location of servicing vehicles, and duration of stays; (b) further information to verify the applicant's estimate of time of stay of their own servicing vehicles (data collected from their sites of similar size and location that are already operating).

- 6.13 Proposal is unlikely to result in any significant impact upon the operation of the highway network, unlikely to generate significant numbers of sole purpose trips by motor vehicle; and unlikely to divert significant numbers of trips to Mill Road as pass-by trips for the site.
- 6.14 The application claims usage of the forecourt for motor vehicle parking; the previous change of use application removed the vehicular access.

**Second advice (04.10.2011)** (following 25.08.2011 information)

- 6.15 Following the withdrawal of the ATM element from the proposal, the highway authority withdraws this part of its objection.
- 6.16 Additional information regarding servicing of the site fails to satisfy the Highway Authority. Comparisons with other premises operated by the applicants are not regarded as valid because the sites do not demonstrate any significant degree of similarity with the application site.
- 6.17 Survey of servicing on Mill Road shows vehicles servicing by partially, or fully, obstructing the footway. Delivery drivers for the application site would be likely to adopt the same practice. Cyclists would also be forced out around the vehicle, with potential conflict with motor vehicles passing servicing vehicles on the opposite side of the road. In this particular location this is a significant hazard. Neither the degree of obstruction resultant from servicing from the carriageway, nor the obstruction of the footway would be acceptable.

- 6.18 Refusal recommended.

**Third advice (11.10.2011)** (following 7.10.2011 information)

- 6.19 Half-depth service bay is not a satisfactory solution. Servicing vehicle would project into the carriageway. Width of remaining unobstructed carriageway is such is such that a bus and car could pass with care, but this could encourage two cars to try to

pass at the same time as a cyclist. Half-depth bay could also encourage delivery vehicles to park immediately opposite. Highway authority remains opposed to the proposal.

**Fourth advice (13.10.2011)** (following 12.10.2011 information)

- 6.20 Full-depth service bay is an acceptable solution in terms of highway safety. Objection withdrawn, subject to a Grampian condition requiring dedication of land as public highway to enable the delivery bay. It is noted that the area of land required to be dedicated includes an area outside the applicants' control.

**Head of Environmental Services**

- 6.21 New plant: recommend noise insulation condition to protect the amenity of the nearby residents. Deliveries: recommend that the deliveries to the store are restricted to daytime hours only to protect the amenity of residential properties in close proximity. Waste storage: no information given on storage of containers or collection points volume of waste and recycling produced will increase, therefore conditions to control waste storage required.
- 6.22 Condition also recommended to control construction hours
- 6.23 Informatives recommended on food safety, licensing, and information necessary to satisfy the noise insulation condition.

**Historic Environment Manager**

- 6.24 Information sought on the level of noise expected from the plant and air conditioning units. Clarification sought on whether the area in front of the building will be used for vehicles or just for cycles. Advice of Cycling Officer should be sought on whether the proposed number of cycle racks is sufficient for the proposed change of use.
- 6.25 Building is of no particular historic or architectural interest. Proposed addition of the grey louvres is supported. Positioning of any air-conditioning units needs to be carefully considered. Existing entrance to the Pool Hall is of no historic interest and therefore its replacement with something suitable is supported.
- 6.26 No details of signage submitted. Standard signage may not be appropriate. Grey aluminium above the shop entrance is too

heavy and gives a vertical emphasis to a wide frontage. In order to balance the shopfront, the area above the proposed fascia should remain a neutral colour that fits with the bricks, to create a subtle emphasis on the shop entrance lower down the building. Fenestration should be consistent

- 6.27 No objection in principle. Proposed alterations to the building broadly acceptable subject to the above reservations.
- 6.28 Following the submission of plans for a delivery bay, informal advice has been received from the conservation officer that such a bay, allowing delivery vehicles to be drawn off the carriageway, would have a positive impact on the conservation area, provided that the bay did not result in significant loss of public realm from in front of the public toilets. A summary of the formal advice on this issue will be attached to the amendment sheet.

### **Cambridge City Council Access Officer**

- 6.29 Should have a wheelchair accessible toilet/baby changing area, and hearing loops at tills.
- 6.30 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 Julian Huppert MP has commented on this application. The representation is attached to this report.
- 7.2 The owners or occupiers of the following addresses in the city have made representations objecting to the proposal (figures in brackets indicate multiple representations from one address):

<b>A</b>	94 Argyle Street
24 Abbey Road (2)	140 Argyle Street
26 Abbey Road (2)	150 Argyle Street
35 Ainsworth Street	152 Argyle Street (2)
64 Ainsworth Street	
51a Argyle Street	<b>B</b>
73 Argyle Street	152 Blinco Grove
81 Argyle Street	46 Brackyn Road
	80 Brackyn Road (2)

107 Brampton Road  
5 The Broadway  
9 The Broadway  
5 Burnside

### **C**

3 Catherine Street  
31 Catherine Street  
34 Catherine Street  
47 Catherine Street  
74 Catherine Street  
83 Catherine Street  
139 Catherine Street  
14 Cavendish Road  
15 Cavendish Road  
86 Cavendish Road  
88 Cavendish Road  
93 Cavendish Road  
105 Cavendish Road  
111A Cavendish Road  
123 Cavendish Road  
374 Cherry Hinton Road  
(2)  
14 Cockburn Street  
20 Cockburn Street  
4 Covent Garden  
18A Covent Garden  
20 Covent Garden  
52 Cromwell Road  
10 Cross Street

### **D**

4 David Street  
10 David Street  
18 David Street  
18 Devonshire Road  
42 Devonshire Road  
34 Ditchburn Place

### **E**

14 Edwards Street  
6 Eltisley Avenue  
8 Emery Street  
21 Emery Street

21c Emery Street  
28 Emery Street  
35 Emery Street

### **F**

Flat 17 The Forum

### **G**

11 Geldart Street (2)  
17 Caius Terrace,  
Glisson Road  
8 Glisson Road  
38 Glisson Road  
59 Glisson Road  
244 Glenalmond  
Avenue  
6 Golding Road  
8 Golding Road  
43 Granchester Street  
79 Granchester  
Meadows  
13 Great Eastern Street  
37 Great Eastern Street  
49 Great Eastern Street  
50 Great Eastern Street  
61 Great Eastern Street  
79 Great Eastern Street  
21 Greville Road  
Office A Dales Brewery,  
Gwydir Street  
2 Gwydir Street  
Unit 7 Dales Brewery,  
Gwydir Street  
10 Gwydir Street  
23-25 Gwydir Street  
25 Gwydir Street  
41 Gwydir Street  
75 Gwydir Street  
80 Gwydir Street  
88 Gwydir Street  
106 Gwydir Street  
111 Gwydir Street  
113 Gwydir Street  
115 Gwydir Street



122 Gwydir Street  
124 Gwydir Street  
140 Gwydir Street  
155 Gwydir Street  
162 Gwydir Street  
163 Gwydir Street  
169 Gwydir Street (2)  
171 Gwydir Street  
172 Gwydir Street  
178 Gwydir Street  
17 Guest Road

### **H**

10 Hartington Grove  
91 Hartington Grove  
19 Hemingford Road  
23 Hemingford Road  
115 Hemingford Road  
(2)  
11 Hobart Road  
21 Hobart Road  
33 Hobart Road  
141 Hobart Road  
27 Hope Street  
8 Hooper Street  
14 Hooper Street  
19 Hooper Street

### **K**

25 Kerridge Close  
36 Kerridge Close  
3 Kingston Street  
21 Kingston Street  
37 Kingston Street  
45 Kingston Street  
46 Kingston Street  
47 Kingston Street

### **L**

The End House, Lady  
Margaret Road  
17 Langham Road  
29 Lyndewode Road  
40 Lyndewode Road

### **M**

6 Mawson Road  
11 Mawson Road  
55 Mawson Road  
57 Mawson Road  
59 Mawson Road  
77 Mawson Road  
86 Mawson Road (2)  
107 Mawson Road (2)  
109 Mawson Road  
113 Mawson Road  
8A Mill Road  
35 Mill Road  
90 Mill Road  
92a Mill Road  
100a-102a Mill Road (2)  
104A Mill Road  
117b Mill Road  
270 Mill Road  
368 Mill Road  
37 Milton Road  
5 Montreal Road  
1 Moore Close

### **N**

32 Nuttings Road  
1 The Old School,  
Norfolk Street  
2 The Old School,  
Norfolk Street

### **O**

2 Oakley Terrace  
9 Old School Lane

### **P**

The Paddocks  
15 Perowne Street  
20 Perowne Street  
33 Perowne Street  
44 Perowne Street (2)

**Q**

167 Queen Ediths Way  
26 Queensway

**R**

18 Romsey Road (2)  
Flat 7 Ross Street  
26 Ross Street  
36 Ross Street (2)  
80 Ross Street

**S**

1 Sedgwick Street (2)  
4 Sedgwick Street  
13 Sedgwick Street  
40 Sedgwick Street  
70 Sedgwick Street  
78 Sedgwick Street  
5 Shelly Garden  
4 Sherlock Road  
1 St. Barnabas Road  
3 St. Barnabas Road  
6 St. Barnabas Road  
10 St. Barnabas Road  
13 St. Barnabas Road  
21 St. Barnabas Road  
36 St. Barnabas Road  
(2)  
48 St. Barnabas Road  
53 St. Barnabas Road  
54 St. Barnabas Road  
58 St. Barnabas Road  
66 St. Barnabas Road  
68 St. Barnabas Road  
(2)  
76 St. Barnabas Road  
82 St. Bartholomews  
Court  
27 St. Philip's Road  
35 St. Philip's Road  
65 St. Philip's Road  
86 St. Philip's Road  
99 Stanley Road (7)  
16 Stone Street

27 Sturton Street  
42 Sturton Street  
74 Sturton Street  
84 Sturton Street  
132 Sturton Street  
141 Sturton Street  
5 Swanns Terrace  
6 Swanns Terrace  
10 Suez Road  
30 Suez Road  
42 Suez Road  
49 Suez Road

**T**

64 Tension Road (2)  
68 Tension Road  
114 Tension Road  
6 Antwerp Cottages,  
Thoday Street (2)  
24 Thoday Street  
124 Thoday Street  
134 Thoday Street  
140 Thoday Street

**U**

1a Upper Gwydir Street

**V**

68 Victoria Park  
6 Vinery Road  
25 Vinery Road  
79 Vinery Road

**W**

2 Willis Road  
14 Willis Road  
33 Winstanley Court

**Y**

90a York Street

- 7.2 The owners or occupiers of the following addresses outside the city have also made representations objecting to the proposal:

49 Litchfield Road, BURNTWOOD, Staffs  
34 Swift's Corner, FULBOURN, Cambs  
2 Widnall Close, GRANTCHESTER, Cambs  
Dovecote, Bridge St., Bramfield, HALESWORTH, Suffolk  
59 Valley Rise, Dersingham, KING'S LYNN, Norfolk  
Grazealders, Venton, PLYMOUTH, Devon  
5 Mount Ararat Road, RICHMOND, Surrey  
25 John Impey Way, ROYSTON, Herts  
The Moraine, WHITTLESFORD, Cambs

(263 individual representations in total)

- 7.3 Representations objecting to the proposal have also been received from the following organizations:

Cambridge Cycling Campaign  
Cambridge Friends of the Earth  
The Mill Road Society  
Petersfield Area Community Trust  
St Barnabas Parochial Church Council  
Sustrans

- 7.4 The representations can be summarised as follows:

Principle of development

- Loss of leisure facility
- Harm to the vitality, diversity and convenience of the local area
- Loss of economic viability of local business,
- Would allow large companies fight their turf wars at expense of local businesses
- Detrimental to character and convenience of the local area and its businesses-Mill Road
- Detrimental to the character of the conservation area
- Lack of need / excessive number of supermarkets within the local area already
- Council should encourage independent retailers not supermarkets
- Proposed A1 use not of appropriate nature and scale

- Exacerbate the obesity phenomenon within the local area
- Loss of jobs
- Contrary to localism

#### Car parking

- Lack of car parking provision

#### Neighbour amenity

- Loss of resident amenity/living quality
- Proposed opening hours too long

#### Highways issues, traffic and servicing

- Increase in traffic from customers using the proposed ATM machine within the proposal
- Hazard to highway users from deliveries

#### Crime and anti-social behaviour

- Introduction of additional alcohol selling outlet would increase anti-social problems within the local area

#### Environmental health issues

- Exacerbate the noise and air pollution within the local area

#### Waste storage and collection

- Lack of detail of waste storage provision

#### Application process

- Applicants' Statement of Community Involvement, fails to show proportion of public comments which were supportive/neutral/contrary.
- Applicants' publicity campaign should not influence the planning process-they must not buy the planning permission
- No acoustic impact of proposed plant
- Lack of details of internal configuration

- 7.5 A petition of 3105 signatures has been submitted, stating that the signatories are 'opposed to a Sainsbury's store opening on Mill Road and concerned about the impact a Sainsbury's store could have on the diverse range of independent shops on Mill Road.'
- 7.6 A letter signed by representatives of 73 businesses in the Mill Road area has been submitted urging refusal of the application on the basis of the negative impact a Sainsbury's convenience store would have on the viability of local independent businesses, the loss of the leisure facility, and the hazard to traffic from deliveries.
- 7.7 Two representations in support of the proposal were submitted by email, but the respondents were not willing for their addresses to be recorded.
- 7.8 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: loss of leisure facility
2. Principle of development: impact on the viability and vitality of the local centre
3. Presumption in favour of sustainable development
4. Highway safety
5. Context, design, and impact on the conservation area
6. Car and cycle parking
7. Disabled access
8. Environmental health issues
9. Refuse arrangements
10. Third party representations
11. Planning Obligation Strategy

### **Principle of Development: loss of leisure facility**

8.2 Leisure facilities are defined in the Cambridge Local Plan (2006) as including indoor sports, recreation and entertainment.

In my view, the present Class D2 pool hall use falls within this definition, and the proposal therefore involves the loss of a leisure facility. The supporting text to policy 6/1 (in the headline objective, and paragraphs 6.1 and 6.3) makes clear that a range of leisure facilities is necessary to meet the needs of the residents of the city and make it an enjoyable place to live, as well as to visit.

- 8.3 Policy 6/1 permits the loss of an existing leisure facility only if a replacement leisure facility of equivalent scale and quality is provided in the development, or if the facility is to be relocated to a site of similar or improved accessibility for its users. The supporting text in paragraph 6.4 of the Cambridge Local Plan (2006) provides that in the exceptional circumstances where there is no longer a need for the leisure facility, and the site would not be suitable for an alternative leisure use, development for a non-leisure use may be acceptable. The present application needs to be carefully examined against the tests in policy 6/1.
- 8.4 There is no proposal in the application to replace the leisure facility on-site. The applicants suggest that the leisure can be replaced by utilising spare capacity at WT's Snooker Club at Burleigh Street.
- 8.5 This suggestion is difficult to assess. The application provides no analysis of the existing users of Mickey Flynn's in terms of their addresses or means of travel to the club, so it is difficult to know whether WT's club is equally accessible to present users of Mickey Flynn's. I agree that the two clubs are close (0.9km), and I am prepared to accept that a substantial proportion of the customers at Mickey Flynn's are, as the applicants assert, students, although I do not necessarily accept that this automatically means that the two club sites are equally accessible to them. I do not have convincing evidence to demonstrate that WT's would be an equally accessible alternative location for all Mickey Flynn's current users, although it seems reasonable to suggest that a proportion of the existing users would have to travel little further to reach WT's.
- 8.6 WT's club is at first-floor level, and has no lift access (although such access is planned for the future). In this respect, therefore, WT's is not of equal accessibility for all users. Policy 3/7 of the Cambridge Local Plan (2006) emphasizes that ensuring easy

and safe access, including for those with disabilities, is an essential part of creating successful places. However, I note that the absence of a lift at present did not prevent the City Council granting permission for an extension at WT's. I also recognize that the number of current Mickey Flynn's users who cannot use stairs may be relatively small, and also that staff at WT's are prepared to assist customers in gaining access to the club from ground level. Nonetheless, absence of easy access for all users is a shortcoming in WT's as a replacement site.

- 8.7 The applicants assert that there is adequate space available at WT's to accommodate users displaced from the application site. Supplementary information submitted suggests that the index of table fees at WT's has declined from 100 in 2007 to a figure around 30 in 2011, and also point out that the present floor area at WT's is 7610ft<sup>2</sup> in comparison with Mickey Flynn's 3500ft<sup>2</sup>. I agree that these figures point towards the possibility that WT's might have the capacity to provide for the additional customers, although they are not conclusive.
- 8.8 To summarise the issue of adequate replacement of the existing leisure facility then, there are pointers to suggest that WT's might be sufficiently close to be an equally accessible location, and that WT's might have the capacity to do so, but in neither case is the evidence conclusive. As far as safe and easy access for those whose mobility is impaired, however, it is clear that at present, WT's has a weakness as a replacement facility.
- 8.9 The applicants also argue that there is in fact no need for the facility, as demand for snooker and pool has declined rapidly in recent years, and therefore the only rational response is to combine the operation of the two clubs on one site. The information to support this argument is incomplete. The applicants have provided an index figure, showing that fee income has declined between 2007 and 2011 from 100 to not much more than 20 at the application site, and from 100 to around 30 at WT's. I am quite prepared to accept these indices of fee income, although I note that they only relate to the period of the current economic downturn. The present occupiers of the site, Dawecroft, have also pointed to other evidence: the collapse in 2009 of Rileys, the biggest UK operator of snooker premises; a specialised estate agents' view that the market in premises for cue sports is 'static'; and a very steep recent decline in alcohol sales at Mickey Flynn's. These pieces of

evidence are all pointers in the same general direction, and they appear to weaken the case made in neighbour representations that the present leisure facility is very highly valued in the neighbourhood. However the items of evidence are imprecise. On the surface, it seems possible that the continuing use of Mickey Flynn's is not viable, and probably unlikely that another provider could, or would wish to run a cue sports club on the premises, but it is not obvious that there is no other possible leisure use for the site and the lack of detailed evidence does not make it easy for a firm view to be taken on this issue.

8.10 The applicants argue that there is no policy requirement to market the site for leisure use. I agree that this is not specifically stated in policy 6/1, but that policy and its supporting paragraphs do state that only when the application site or building is not suitable for an alternative leisure use can a non-leisure use be considered appropriate, and in my view, if the site is not subject to marketing, only some equally convincing evidence can fully meet this requirement. I do acknowledge, however, that the existing condition on the permission for the site limits use to a pool hall only, and that any alternative leisure use would require planning permission.

8.11 This issue is not clear-cut. The argument that the present leisure facility on the site can be satisfactorily replaced by WT's is supported by the proximity of that site, and to some extent by the apparent decline in customer numbers at both clubs, although the latter evidence lacks rigour. The argument is undermined, however, by the present lack of inclusive access at WT's. The applicants' evidence points to a decline in income, but this does not in my view prove that the present use is not viable, nor that the use of the site for any leisure facility is impossible; in the absence of marketing or comparable evidence, this issue remains unproven.

8.12 I do not accept the applicant's view that policy 6/1 applies only in the 'enabling' sense, and that a proposal which fails its tests should simply be determined with reference to other policies. It is a clear implication of policy 6/1 that existing leisure uses should not be lost unless the tests of the policy are met, a position given firm support by policy EC13 of PPS4. Although there is substance in the arguments on both sides of this issue, the evidence submitted is far from conclusive.



8.13 On balance, however, I am of the view that the proximity of WT's, the evident general and local decline in the popularity of cue sports and the restriction to pool hall use attached to the existing permission all make it difficult to sustain the argument that the application causes a clear conflict with policy 6/1, or demonstrable harm which outweighs the benefits. In my view, the application does not cause a significant conflict with policy 6/1, and the issue of the loss of a leisure facility should not constitute a reason for refusal. I consider separately below the weight which should be attached to the need to promote economic growth.

### **Principle of Development: impact on the local centre**

8.14 Policy 6/7 of the Cambridge Local Plan (2006) states that additional development within classes A1, A2, A3, A4 and A5 will be permitted in local and district centres if it will serve the local community and is of an appropriate nature and scale to the centre. The supporting text in paragraph 6.24 makes clear that local centres serve an important function, providing the ability to shop close to where people live and work, meeting day-to-day needs and reducing the need to travel, and dependence on the private car. This paragraph emphasises that additional development should not be of a scale to significantly increase traffic.

8.15 In my view, the proposal is fully in accordance with policy 6/7 and its supporting text. The Class A1 unit proposed would serve the local community, and would be of an appropriate scale to the local centre. It would help to meet day-to-day needs, and I concur with the highway authority's view that it would be unlikely significantly to increase motor vehicle traffic in the area. Concerns have repeatedly been expressed about the proportion of Class A1 uses in this local centre falling too low. This proposal would help to raise that proportion, a change which is supported by Policy 6/7.

8.16 The overwhelming majority of the representations received suggest that the proposal should be refused because of its impact on the character of the local centre, or its viability and vitality. It is noticeable, however that these representations, almost without exception, relate either to the operator of the proposed business (Sainsbury's), the type of business into which that operator falls (multiple supermarket), or the goods to

be sold (food). They are not objections to the principle of A1 use. The Use Classes Order, and through it, the system of planning control, is blind to differences between operators, and indeed to differences between goods traded, provided they are within the A1 category. I return to this issue in my conclusion, but I emphasise here that the planning system does not provide any mechanism for distinguishing between different types of Class A1 premises, or between different operators of Class A1 premises.

8.17 In my opinion, the principle of Class A1 use on this site is acceptable and in accordance with policies 6/7 and 6/8 of the Cambridge Local Plan (2006).

### **Presumption in favour of sustainable development**

8.18 Both the draft National Planning Policy Framework, and the Ministerial Statement on Planning for Growth (March 2011) lay emphasis on the presumption in favour of sustainable development. The applicants argue that this principle should outweigh any reservations the local planning authority may have about the loss of the leisure facility, because any adverse impact of that loss would not significantly and demonstrably outweigh the benefits of the proposed development.

8.19 The assessment of this question depends to some extent on the interpretation of the word 'sustainable'. In my view, the Cambridge Local Plan 2006 seeks to protect existing leisure facilities because it is a principle of sustainable development that to be successful, communities need to provide access to the full range of employment, educational and recreational opportunities for their residents, preferably in locations where they can be reached without use of the private car.

8.20 Notwithstanding this, I have considered the question of whether the harm I consider likely to result from this aspect of the proposal significantly and demonstrably outweighs the benefits of the development. In my view, the harmful impacts of the proposal in terms of the leisure use are as follows:

- Some present users of the leisure facility on the site may have to travel further from home to reach an alternative facility (WT's in Burleigh Street)

- Existing leisure facility floorspace with level access would be lost (even if most present customers of Mickey Flynn's can be accommodated at WT's).

8.21 The benefits of the development in my view are as follows:

- An additional Class A1 unit would be created, increasing the capacity of Local Centre 20 (Mill Road West) to serve the day-to-day needs of local residents
- Employment would be created

8.22 The addition of an A1 unit to the local centre would be in accordance with local plan policy. It is the aspiration of the local planning authority to resist any decline in the percentage of units in local centres which are in A1 use. In this context, I judge the addition of a further Class A1 unit to be desirable, but (given that the local centre is widely regarded as relatively 'thriving') something to which only moderate weight should be attached. The applicants suggest that the application has particular merit in this respect, because the proposed operator would act as an 'anchor store', and provide confidence to other retail businesses to invest. A store operated by the proposed retailer might or might not have such an impact, but I do not consider that any weight can be attached to the potential impact of a particular operator, because the application is one for a change of use to A1, and there can be no certainty about the premises being used by any particular retail business.

8.23 The application does not specify exactly how much employment would be created by the proposal. The applicants' 'Response to Policy Issues' document (30<sup>th</sup> September 2011) suggests that a net increase of 25 jobs for the local area would result from the proposal, but how many of these jobs would be new jobs in the A1 unit, and how many would be jobs 'saved' at the amalgamated Dawecroft cue sports business is not clear. Full-time and part-time numbers are also not specified. In present economic circumstances, no potential creation of employment, or safeguarding of existing employment, can be lightly dismissed, however, and it seems likely that the creation and retention of employment (even if this is hard to forecast accurately) would result from the proposal, which would be a benefit.

- 8.24 Neither the harm which would be caused by the loss of the leisure facility nor the potential benefits of the proposed A1 use are easy to assess, and it appears to me that only limited weight can be attached to either. However, I do not think it is possible to meet the test of the NPPF that a refusal must be justified by harm which is demonstrably and significantly greater than the benefits of the proposal.
- 8.25 The applicants also suggest that PPS4 provides support for the application, stressing that policy EC4 of the plan-making section of that guidance urges support for a 'strong retail mix' so that the range and quality of the retail offer meets the requirements of the local catchment area. I note this aspect of the guidance in PPS4 (it provides support for the wording of policy 6/7 of the Cambridge Local Plan 2006), and I agree that it provides support for the application (although, as I have stated above, I am not convinced that the addition of a single A1 unit to the local centre would provide such a radical strengthening of the retail mix that the advantage should necessarily outweigh all other considerations.)
- 8.26 PPS4 also contains development management policies. Policy EC10 states that the impact considerations against which proposals for economic development should be (in addition to high quality design and resilience to climate change): accessibility by a choice of means of transport, the impact on economic and physical regeneration, and the impact on local employment. Policy EC13 urges that decision-makers 'take into account the importance of [a] ... leisure facility... to the local community... and 'refuse planning applications which fail to protect existing facilities which provide for people's day-to-day needs'. Policy EC10 thus lends some support to the case for approving the application, and Policy EC13 some support to the case for its refusal. As I have indicated above, it is my view that on balance the harm caused by this proposal in terms of the loss of accessible local facilities does not clearly outweigh the benefits. The advice in PPS4 does not alter my view of this balance.
- 8.27 I have considered the guidance contained in PPS4, the Ministerial Statement on Planning for Growth (2011) and the draft National Planning Policy Framework. I note that an underlying principle of all three documents is the need to foster growth, and to avoid planning control becoming an unnecessary

impediment to sustainable development. Collectively, their advice supports my view that although the evidence provided to justify the loss of a leisure facility is not entirely satisfactory, this should not be used as a reason to refuse the proposal.

## **Highway Safety**

- 8.28 The highway authority has withdrawn its initial concern about 'squeezing' and 'dooring' accidents being caused as a result of sudden vehicle stops, following the withdrawal of the ATM element.
- 8.29 The highway authority's view on front-of-site servicing without a delivery bay is that this would inevitably lead to servicing vehicles being parked on the footway, partly obscuring the footway, and partly blocking the carriageway. The obstruction thus caused, and the hazard to other road users in this location, particularly cyclists, are regarded as unacceptable by the authority. I share this view. I recognize that a large number of other retail premises nearby use front-of-site servicing, but in my view this does not justify the introduction of a further hazard. I also recognize that the present pool hall use employs front-of-site servicing, but I share the highway authority's view that the greater intensity of servicing required by the proposed A1 use represents a significant worsening of the situation.
- 8.30 I am also in agreement with the highway authority that the provision of a half-depth service bay, proposed by the applicants in response to the highway authority's initial comments, would not provide a satisfactory solution to this problem.
- 8.31 The applicants have subsequently proposed a full-depth delivery bay on Mill Road, enabling the delivery vehicle to be drawn fully off the carriageway, and thus maintaining the full current width during deliveries. The highway authority's advice on this is that it is a solution which would resolve their concerns about highway safety, but that it would require the dedication of land as public highway which is not under the applicants' control (a small area to the south of the public toilets). This land would be required to provide a full-width footway to replace footway land taken for the delivery bay. The highway authority has therefore withdrawn its original objection to the application,

subject to the imposition of a Grampian condition requiring dedication of the relevant land as public highway.

- 8.32 In the light of this advice, I am satisfied that, subject to imposition of an appropriate condition, the proposal is in accordance with policy 8/2 of the Cambridge Local Plan (2006).

### **Context, design, and impact on the conservation area**

- 8.33 The changes proposed to the exterior of the building, including the shopfront, and the surrounding space, are minor. I share the conservation officer's reservations about the extensive area of grey aluminium proposed above the shopfront; in my view this is too heavy and creates an undesirable vertical emphasis. A condition would be necessary to ensure a more appropriate facing material in this area. Signage would need to be addressed by an application for advertisement consent. With the exception of the grey aluminium area, I do not consider that the proposed alterations would have any significant impact on the street scene.
- 8.34 The view of the conservation officer is that a full-width delivery bay which enabled vehicles to be completely clear of the carriageway would be a benefit to the character of the conservation area, unless it involved the loss of a significant part of the public realm to the west or south-west of the site. I agree with this view.
- 8.35 In my view, subject to condition, the proposed changes to the exterior of the building are acceptable, and in accordance with policies ENV6 and ENV7 of the East of England Plan (2008), and policies 3/4, 3/7, 3/15 and 4/11 of the Cambridge Local Plan (2006).

### **Car and Cycle Parking**

- 8.36 Under the City Council's Car Parking Standards, which are expressed as maximum levels, no car parking (other than disabled parking) is permitted in association with a food retail use within the CPZ. This is in accordance with the Standards. The Gwydir Street public car park is immediately adjacent to the site.

- 8.37 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 12 spaces. The application proposes 14 spaces, immediately adjacent to the entrance. This is more than adequate for the Standards.
- 8.38 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Disabled access**

- 8.39 Level access is provided in the proposal. I note and support the view of the access officer that a wheelchair accessible toilet, baby changing facilities and hearing loops at tills should be incorporated in the proposal. These elements of the internal layout of the proposed retail premises are not, however, subject to planning control.
- 8.40 In my opinion, in respect of disabled access the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

### **Environmental health issues**

- 8.41 The Head of Environmental Services does not object to the proposal, and raises no concerns about air quality. He recommends conditions on delivery hours and on noise assessment and insulation to protect neighbour amenity. I accept this advice, and in my view, subject to appropriate conditions, the application is in accordance with policies 3/4 and 4/13 of the Cambridge Local Plan (2006) in this respect.

### **Refuse Arrangements**

- 8.42 The Head of Environmental Services is of the view that insufficient detail is given regarding waste storage and that a condition would be necessary to address this issue were permission to be granted. I share this view. I am confident that waste storage can be satisfactorily accommodated on the site, and despite the reservations of some respondents on this issue, I do not consider that it constitutes a reason for refusal.

8.43 In my opinion, subject to condition, the proposal is compliant in respect of waste storage with East of England Plan policy WM6 and Cambridge Local Plan (2006) policy 3/12.

8.44 In my opinion the proposal is in conflict with Cambridge Local Plan (2006) policy 8/2.

### **Third Party Representations**

8.45 The overwhelming majority of the very large number of representations received focus on three issues: impact on the vitality and character of the local centre, loss of the leisure facility, and highway safety. I have addressed these issues under the respective headings above. I have also addressed, under the relevant headings, the issues of car parking, environmental health issues and waste storage. I address the remaining issues raised below.

8.46 Obesity: I do not consider that the application poses a threat to public health.

8.47 Alcohol and anti-social behaviour: the issue of whether alcohol sales on the site are appropriate is a matter which must be determined under licensing control.

8.48 Applicants' publicity and supporting documents: I am not of the view there are any shortcomings in the application documents or any aspects of publicity issued by the applicants which provides a reason for refusal of the application.

8.49 Internal configuration of the premises: this is not a matter for planning control.

8.50 Residential amenity: I do not consider that in the context of what is currently a busy part of Mill Road, any of the activities associated with Class A1 use in this location (other than plant noise and deliveries, in connexion with which I recommend conditions) would have a significant impact on neighbour amenity.

8.51 Localism: the emerging framework for localism does not in my view raise any issues for the determination of this application.



## **Planning Obligations**

8.52 A planning obligation could only be justified in relation to this application if the change of use was predicted to result in an increase of 50 or more net daily trips. The highway authority does not consider that this is likely in this case.

## **9.0 CONCLUSION**

9.1 An exceptionally large number of objections have been received to this application, and the issues raised must be very carefully considered. Although, as I have indicated, there have been other concerns, it is my view that the three significant issues in this application are those raised by the majority of respondents: the change of use to Class A1 retail, the loss of a leisure facility, and the impact of deliveries on highway safety.

9.2 The volume of objections received, the support for the petition, and the public expressions of opposition to this application reflect concerns about the operation of the retail sector, and especially the food retail sector, which have received considerable attention nationally as well as locally. It is essential, however, to recognize that this application is for change of use to Class A1 retail use, and not for a specific retail company. The planning system, as I have indicated above, is blind to distinctions between individual operators, types of shop, or goods supplied as long as they fall within this class; it deals with the competition between different land uses, but not with the competition between different businesses. The Local Plan seeks, in policy 6/7, to encourage the retention and restoration of Class A1 retail use in local centres on the basis that they help to provide for the day-to-day needs of local residents, and thus foster sustainability. This application is fully in accordance with this aspiration and with policy 6/7 of the Cambridge Local Plan 2006. National government guidance does not provide any support for an alternative view of this issue. Many of the representations received assert that the applicants' business is not wanted in Mill Road, but the truth or otherwise of this assertion can only be tested by the market; it does not provide a reason for the refusal of the application. I am satisfied that the change of use to Class A1 retail is acceptable, and fully in accordance with policy.

- 9.3 The issue of the loss of the leisure use is less clear-cut. The existing use is a leisure facility as defined in the local plan. It may be possible for current users to be accommodated at WT's club in Burleigh Street, although that site is clearly less accessible to those with impaired mobility. General and anecdotal evidence supports the case that no other cue-sports operator would be likely to occupy the site, although this is not robust. Marketing of the site might demonstrate, as the present occupiers of the site believe, that it is not suitable for any other leisure use, but no such marketing has taken place, and I am not convinced that the existing condition restricting use to a pool hall is a sufficient reason for not providing more robust evidence. I note the very widespread support expressed for the present use of the site in representations, but this does not appear to be reflected in actual use of the premises. On balance, although the replacement site put forward has shortcomings, and the case that the site cannot be used for another leisure use lacks rigour, I do not consider that the loss of the pool hall would have a clear harmful impact, and I cannot recommend that the application be refused on these grounds.
- 9.4 As far as highway safety is concerned, I am satisfied that a full-width delivery bay, which would be subject to the same restrictions on loading hours as the street already is, would address concerns about the potential hazard, especially to cyclists, from delivery vehicles. This solution requires a condition. It also requires that the owners of any additional land required as public highway be notified of the application and be given an opportunity to comment on it.

## **10.0 RECOMMENDATION**

**APPROVE subject to the following conditions, and subject to no representations objecting to the proposal being received from the owners of the additional land required to be dedicated as public highway within the statutory consultation period.**

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. Notwithstanding the approved drawings, no changes shall take place to the front elevation of the building until a revised design and surface materials have been submitted to, and approved in writing by, the local planning authority.

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

4. The Class A1 use hereby approved shall not be implemented until all land required to be dedicated as public highway in order to enable the proposed full-width delivery bay and its surrounding footway (as shown in the drawing 14534/AR/C01 dated 13.10.2011) has been so dedicated, the delivery bay itself laid out and marked, and the Traffic Regulation Order to govern its use is in place.

Reason: To protect highway safety (Cambridge Local Plan 2006 policy 8/2)

5. No deliveries to the Class A1 unit shall take place between 2300 and 0700 on any day.

Reason: To protect the residential amenity of neighbours (Cambridge Local Plan 2006 policy 3/4)

6. 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.

**INFORMATIVE:** The applicant is advised to contact the licensing team at Cambridge City Council 01223 457899 for further information regarding premises licensing.

**INFORMATIVE:** The applicant is advised to contact the Food and Occupational Safety team at Cambridge City Council 01223 457890 for further information regarding food premises registration and food safety requirements.

### **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: policies ENV6, ENV7 and WM6;

Cambridge Local Plan (2006): policies 3/1, 3/4, 3/15, 4/11, 6/1, 6/7, 6/8, 7/1, 8/2, 8/6, 8/9 and 8/10;

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](http://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.

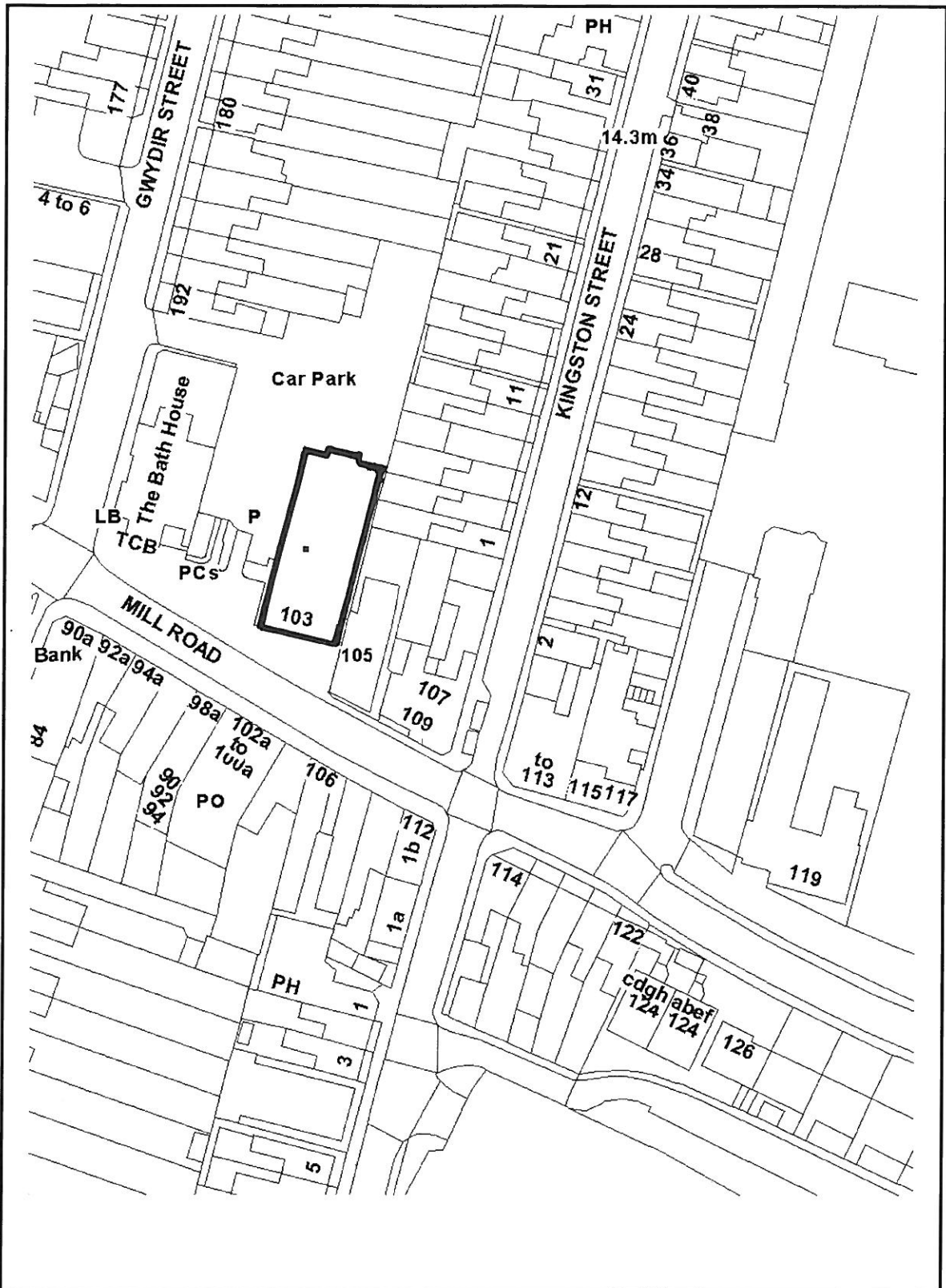
### **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

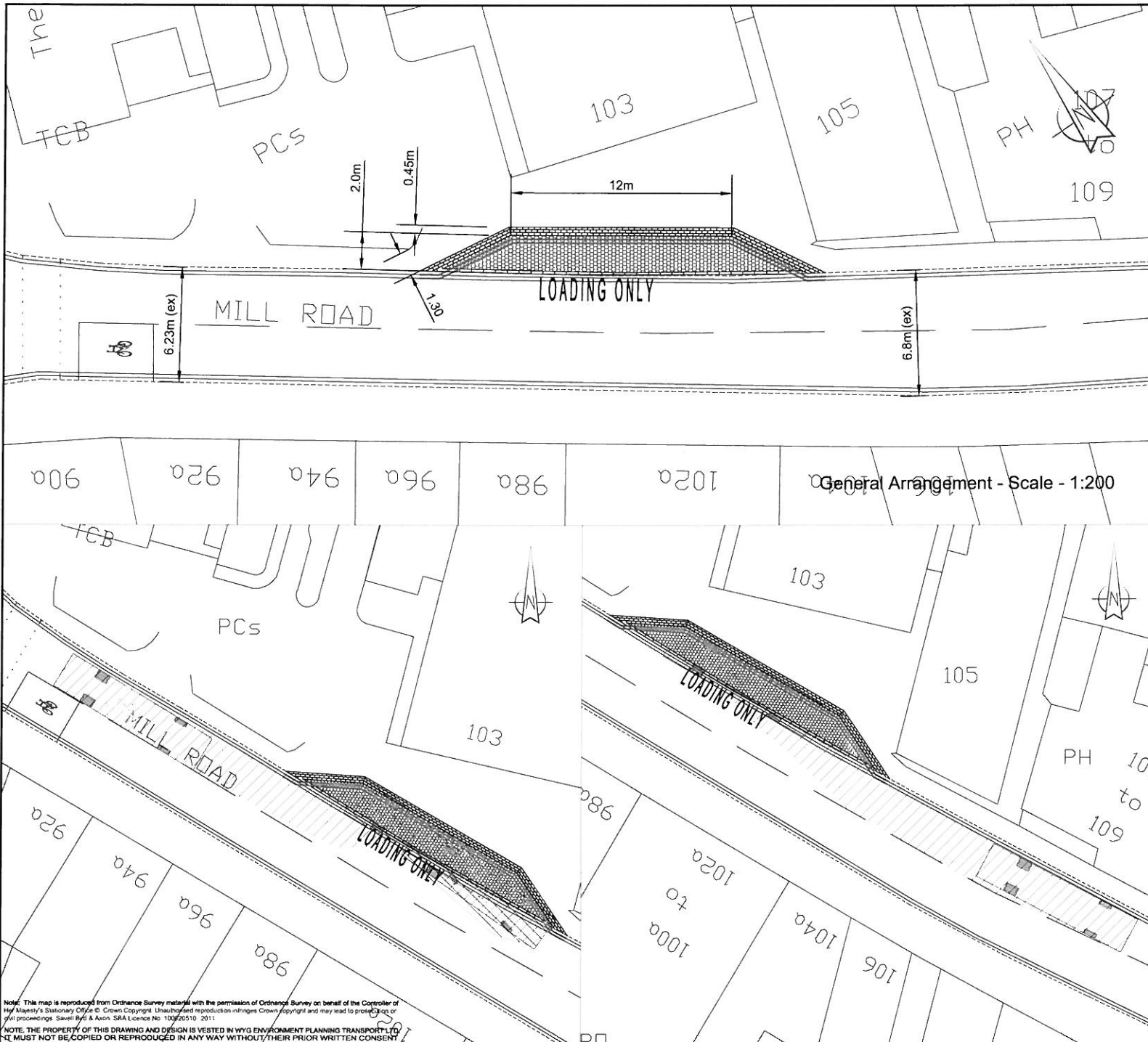
1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received 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.




11/0710/FUL  
 103 Mill Road Cambridge



Notes:  
 1. This is not a construction drawing and is intended for illustrative purposes only.  
 2. White lining is indicative only.

General Arrangement - Scale - 1:200

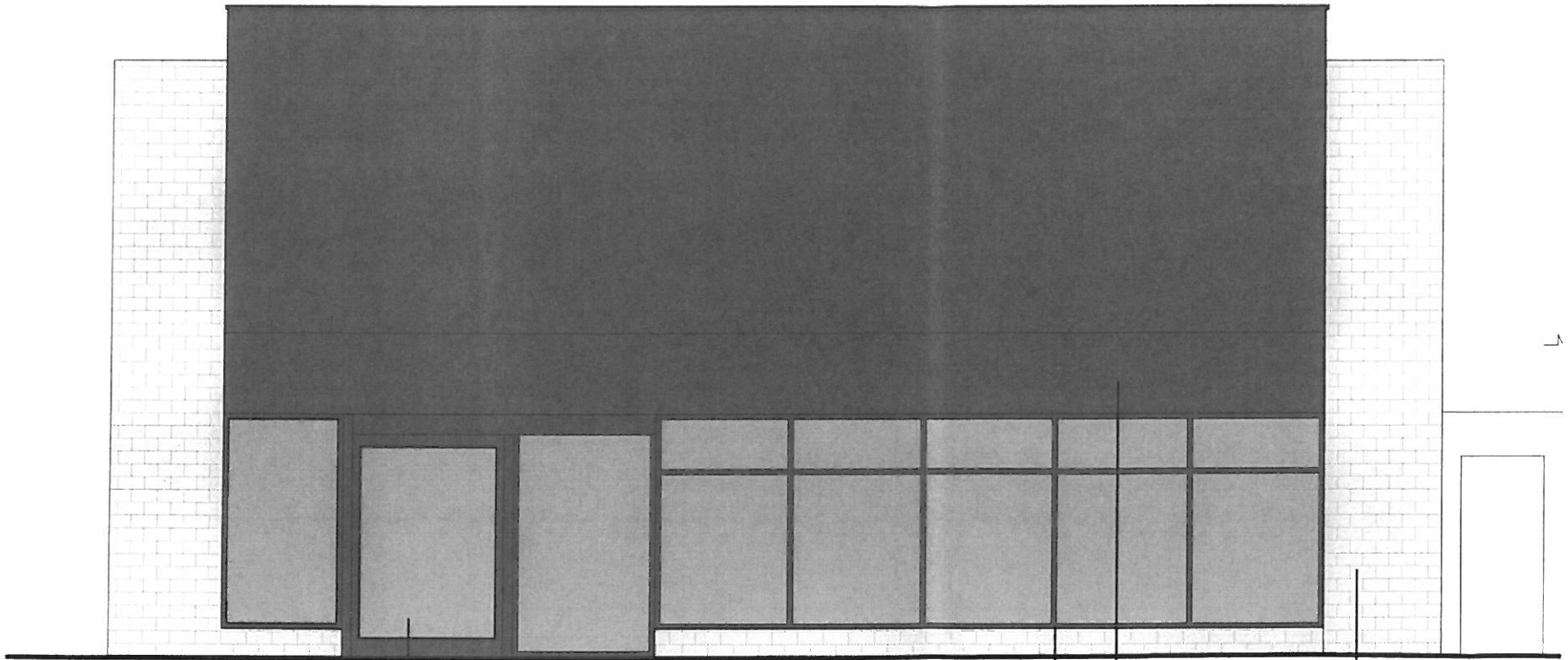
REV	DETAILS	DRAWN	CHECKED	DATE

CLIENT				
Sainsburys				
PROJECT				
Mill Road Cambridge				
DRAWING TITLE				
Track Plot Analysis using a 11m Rigid Vehicle				
SCALES				
1:250 at A3 (except where shown)				
DRAWN, CHECKED, DATE				
AH	TS	13.10.11		
				
85 Tottenham Court Road, London W1T 4TQ t: 020 7268 3020 e: enquiries@vectors.co.uk				
DRAWING NUMBER				REVISION
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ENTRANCE

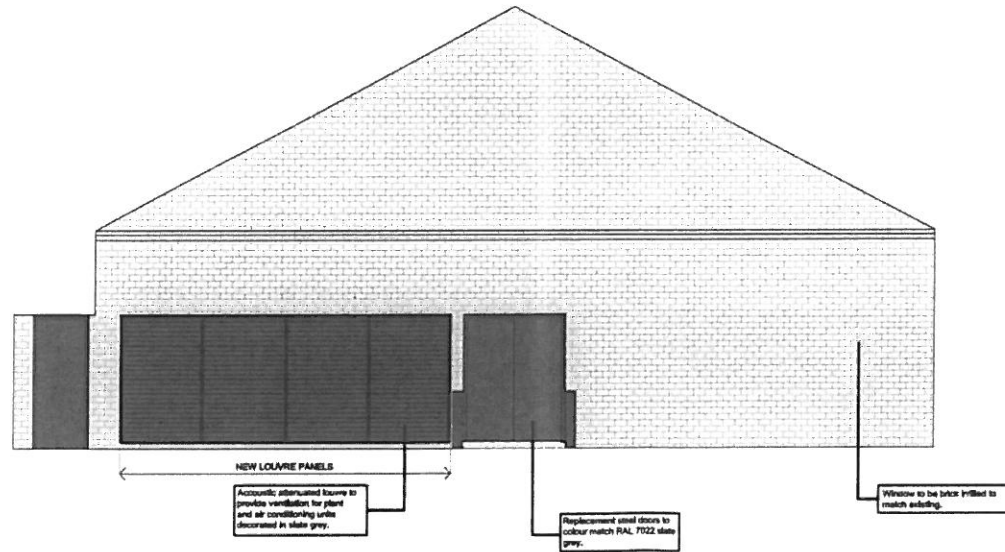
Proposed aluminium framed glazing system, charcoal grey in colour to ral 7022.

Entrance door to be 1500 wide single sliding automatic door, 1400 clear opening required to receive refrigeration cabinets.

Proposed aluminium framed glazing system, charcoal grey in colour to ral 7022.

Proposed signage zone

Existing brick



NEW LOUVRE PANELS

Acoustic attenuated louvre to provide ventilation for plant and air conditioning units coloured in slate grey.

Replacement steel doors to colour match RAL 7022 slate grey.

Window to be brick framed to match existing.