

East Area Committee - 17 January

Item 3.3 Application 07/0811/FUL 163 – 167 Mill Road

This replaces Section 8.2 to 8.10 of the published report (pages 43 to 45)

Principle of Development

8.2 163-167 Mill Road is an existing retail unit in a District Centre, Mill Road (East), which is identified in the Cambridge Local Plan (2006). It is currently vacant, but has been in retail use for many years, since the 1970's, when the building was constructed under the permission C/71/0826. The current application seeks to extend the floor area of the retail use by adding some 87sqm at the rear of the premises. The 2006 Local Plan policy specifically addressing Shopping Development and Change of Use in District and Local Centres is Policy 6/7, which advises that:

“Additional development within Classes A1, A2, A3, A4 and A5 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.”

The supporting lower case text explains that;

“District and Local Centres serve an important function, providing the ability to shop close to where people live and work. They help to meet day-to-day needs, thus reducing the need to travel and dependence upon the private car. Additional development in these Centres should cater mostly for current users and other local people, increasing the viability of the local centre. It should not be of a scale to significantly increase traffic or have any detrimental impact on the vitality and viability of the Local Centre.

8.3 The extension to the property would result in the floorspace in retail use (a Class A1 use) as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) being increased by approximately a third (87 square metres in addition to the current 277.02 sq metres). The extension is not intended to increase the retail floor space and is solely for plant, storage and office use which would serve as an ancillary use to the main shop.

8.4 District and Local Centres serve an important function, providing the ability to shop close to where people live and work. They help to meet day-to-day needs, thus reducing the need to travel and dependence upon the private car. Additional development in these Centres should cater mostly for current users and other local people, increasing the viability of the local centre. It should not be of a scale to significantly increase traffic or have any detrimental impact on the vitality and viability of the Local Centre.

8.5 The appeal site comprises the ground floor of the premises. The whole site falls within a District Centre. The Local Plan aims to sustain and enhance the

attractiveness of Local and District Centres and argues that additional development in these Centres should cater mostly for current users and other local people, should not be of a scale to significantly increase traffic and should increase and not have a detrimental impact on the vitality and viability of the Local Centre.

- 8.6 The scale of what is proposed here, 87 square metres, cannot be described as being inappropriate in scale in the context of the Mill Road (East) District Centre. Indeed I consider that the retention of the retail use and the modest increase in floor space would be consistent with the function of a District Centre.
- 8.7 I consider that the proposal will, for the most part, be used by local people. It would bring into use a currently vacant site within a District Centre, in a location that is easily accessible on foot and by cycle from a wide residential area. Public transport services are also available, but are in my view unlikely to be an extensively used mode. Limitation on parking and the difficulties created by the one-way system in place locally are in my view unlikely to mean that the additional floorspace would make the extended retail outlet a major attraction or significantly greater attraction for people using motor cars as their mode of transport. I do not consider that what is a relatively modest increase in floorspace will significantly increase traffic.
- 8.8 I consider it not reasonable to argue that the addition of 87 sq metres of additional floorspace, within a District Centre will, of itself, affect the vitality and viability of that centre. While much concern has been expressed locally, arguing that the proposal may lead to other shops in the local centre losing trade or going out of business, because of competition the development would introduce, I cannot share that view. PPS 6 advises that it is not the role of the planning system to restrict competition or preserve existing commercial interests and, therefore, these possible impacts are not matters that I can take into account in coming to a recommendation. For these reasons, in my view, the proposal accords with local plan policy and government policy on retail development as set out in PPS 6 "Planning for Town Centres."
- 8.9 In physical terms the proposed extension would be single storey rising to 3m. In my opinion, it would be difficult to argue that the height of the proposed extension would be out character with the area or would be over-bearing to the adjacent buildings or to the occupiers of nearby dwellings.

Residential Amenity

- 8.10 The proposed extension is of a modest scale and is considered to be proportionate to the main building. The proposed rear extension projects towards the residential quarters at Sedgwick Street, however its modest scale means that, in my view, it would be difficult to argue that the extension would have a significant impact on the reasonable residential amenities of the

occupiers of Sedgwick Street or indeed the adjacent properties, 161 and 169 Mill Road.

- 8.11 In terms of the condenser and air conditioning units which are proposed on the rear elevation of the proposed extension, an acoustic report was submitted with the application detailing the technicalities of the plant equipment etc. The Environmental Health Officer did not object to the report but advised that the report was inconclusive in that it did not sufficiently specify the plant equipment. It was therefore advised that conditions relating to noise insulation should be appended to any planning permission to ensure that the equipment to be used would not be an issue in the event that the scheme was approved and implemented.
- 8.12 In my opinion the proposal adequately respects the residential amenity of its neighbours and constraints of the site and as such consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

Refuse Arrangements

- 8.13 The Environmental Health Officer has suggested that this matter is dealt with by condition. The applicant has illustrated a position within the building where provision will be made, but there is anxiety about whether there is enough room, either within that space or elsewhere on site, to meet the needs of a store of this scale. It is suggested that before any building work proceeds the applicant will need to demonstrate, to the satisfaction of the local planning authority, that it can properly accommodate, and properly manage, within the site, and not in a position that would be visually intrusive, the necessary refuse arrangements.

Highway Safety

- 8.14 The site fronts onto Mill Road, a Local Distributor Road linking the City Centre with the eastern side of the town. As has been explained previously, there is an extensive residential hinterland on both the north and south side of the road. The existing retail unit is part of the District Centre and was, when last occupied serviced from the public highway, Mill Road, notwithstanding conditions imposed on the original planning permission.

C/71/0826 was a planning permission granted in 1971 for the construction of a new building with retail units at ground floor and offices above. The permission was granted subject to a number of conditions, Two conditions seen as having relevance to the current case are:

Conditions 2 & 3 of C/71/0826

“2. The loading and unloading area and the parking spaces shown on drawing number 71/258/1 shall be permanently maintained for that purpose.

3. No loading or unloading of goods, including fuel, shall take place otherwise than within the curtilage of the site.

The reason given for both the conditions is: To avoid obstruction of the surrounding streets and to safeguard the amenities of adjacent premises.

- 8.15 It is now many years (I believe that this happened in the early 1970's, but have not yet managed to find the precise date) since Sedgwick Street was made part of the one-way system which allows motorised vehicles to travel only North to South along the street. That means that only very small vehicles, nothing larger than a van, can now get to the 'loading and unloading area' to which the condition refers. It is certainly my understanding that the last occupiers of the site did not meet the requirements of the conditions in question. What is more, the reasons for the conditions, "To avoid obstruction of the surrounding streets and to safeguard the amenities of adjacent premises" are in my view reasons that would not be offended by the occupiers of this premises loading and unloading in Mill Road, though that clearly has other implications which will be discussed separately. In all, I do not consider that the inability of an occupier to meet these conditions could reasonably be the subject of enforcement action for breach of condition in the light of the changed circumstances and length of time that this one-way system has been in place.
- 8.16 The one-way system precludes the servicing of this site in the manner originally envisaged. It has been serviced for some time from the highway. When originally submitting the application the applicants suggested that they would wish to service the site from a lay-by in Mill Road. The County Council as local highway authority opposed such a proposal. The applicant has therefore withdrawn the plan showing the possible configuration of a lay-by and, instead, advised that they would wish to continue servicing the site from the highway, as the previous occupiers did. They have also advised that they would seek a Traffic Regulation Order, which if granted would allow two-way movement of motor vehicles on the first (the southern) part of Sedgwick Street, thereby allowing a vehicle into the site. Such an order would not be without difficulties, however, as the swept path of a 10.35 rigid vehicle would require the removal of some on-street car parking spaces in Sedgwick Street and the loss of 5 on-site car parking spaces.
- 8.17 The Local Highway Authority is not raising objection to the continued servicing of this site from Mill Road, but makes the point that any servicing must be within the hours that currently apply and are the subject of a formal Order. This will lead to some queuing, but that does happen in Mill Road already and will have happened in relation to this site in the past. The enforcement of this matter would be for the local authority, as it is at present.
- 8.18 In response to a first enquiry by the County Council the applicant has submitted that: Monday – Saturday there would be 4 regular deliveries a day (but with a fifth specialist delivery on two midweek days); on Sundays there

would be 3 deliveries. A request for clarification of these figures has been sought, whether they relate to a certain size of store or location, but no response has as yet been received. The objectors claim that the proposal will be significantly worse than the proposed occupier, and worse yet than the applicant has suggested. Despite this the Highway Authority, as rehearsed previously, is not raising objection, but has specifically stated that it does not consider it necessary to introduce further waiting restrictions in the area, as the existing retail outlet has been successfully serviced, for longer than any officer at the County Council can recall, without any adjustment to the waiting restrictions being requested. It is seen as the responsibility of the developer to take into consideration the existing nature of the streets etc., when acquiring a property for their commercial use and that they should adapt their servicing strategy to suit the area, rather than expecting the Highway Authority to modify the existing waiting restrictions to suit the developer requirements.

- 8.19 While the County Council would welcome servicing from the side street, which it considers is practicable in certain circumstances, they clearly do not consider the absence of such an option should be fatal to the application. In the absence of any objection to the servicing from Mill Road by the County Council, I do not consider that highway safety constitutes a sound reason for refusing the application.

Car and Cycle Parking

- 8.20 The application proposes 6 car parking spaces at the rear of the site, one of which would be a disabled space. There are three further car parking spaces in the rear yard of the premises, but those are not part of the application site and are understood to be allocated to the first floor office use.
- 8.21 An aim of the Local and District Centres is to help to meet day-to-day needs, thereby reducing the need to travel and the dependence upon the private car. Policy 8/2 (Transport Impact) of the Local Plan requires that developments will only be permitted where they do not have an unacceptable transport impact and goes on to advise that proposals must include sufficient information for the likely impact to be assessed. The County Council has advised that the development proposed here, the 87 sq metres proposed is not of a scale to require that a Transport Assessment be submitted. Policy 8/10 Off-Street Car Parking - requires that off-street car parking must be in accordance with the Parking Standards. Those standards state that inside a Controlled Parking Zone (CPZ) the requirement is for disabled parking only; outside a CPZ there is a requirement for 1 space for every 50sq m of gross floor space, including disabled parking – which here would equate (277 +87sqm) to 8 spaces in total. However, the car parking standards are maximum standards, in accordance with the advice in PPG 13 "Transport". That document notes that availability of car parking has a major influence on the mode of transport chosen for a journey and also advises that developers should not be required to provide more spaces than they themselves wish, other than in exceptional circumstances. Exceptional circumstances might include significant

implications for road safety that could not be resolved through the introduction or enforcement of on-street parking controls. National policy therefore suggests that the provision of limited off-street parking for this proposal ought not to justify refusal of the application unless the “exceptional circumstances” referred to in PPG13 can be identified.

- 8.22 The availability of on-street parking in the vicinity of the appeal site is controlled through a mixture of controlled parking zones, limited waiting bays, double yellow lines and the one-way system. There are a very limited number of waiting parking bays further to the west in the District Centre and the one-way system I consider an active discouragement to trying to park in the side streets. I am therefore of the view that the retention of limited on-site parking is a good thing. Given the view in PPG 13 on the relationship between availability of parking and choice of travel mode, I think it appropriate to assume that the lack of parking would act as a deterrent for car-borne shoppers, dissuading potential customers from considering driving to the site.
- 8.23 Also of concern to local residents has been the issue of illegal parking, something that may well be compounded by the absence of much authorised parking and the difficulty of manoeuvring through side streets. I am sure that there is illegal parking on occasion presently, but it is for the Council to resolve by effective enforcement of existing parking controls. Again, PPG 13 advises that parking controls need to be backed up by adequate enforcement measures, and it could be argued that that is particularly important if it helps promote additional movements by foot or bicycle.
- 8.24 Objectors have also expressed concern that the small scale of the extension proposed seriously underplays the impact that this development will have and the amount of traffic that would be generated and the serious implications of the proposal for the area. However, what is proposed here is a small extension to serve an existing use, albeit one predicated upon requirements and standards that have long since changed, nationally and locally. Given the proximity to other major retail outlets, I consider it highly likely that the proposed store would attract the bulk of its custom from shoppers who have travelled on foot or by bicycle.
- 8.25 As a conclusion I consider that the car parking provision made is adequate and appropriate and that there is a very strong case for keeping on site provision to a minimum, rather than encouraging greater provision. I consider the car parking to accord with Local Plan and national policy

Cycle Parking

- 8.26 Cycle parking provision I made for staff to the rear of the building adjacent to the disabled parking space. Amended cycle parking space has been shown to the front of the store on the site, not on the highway. What is shown in the latest plans accords to City Council cycle parking standards.

Third Party Representations

8.27 A large number of the issues raised by local residents and petitioners have been addressed above. I will re-examine the comments received and address any further comments at Committee.