

Application Number	07/0810/FUL	Agenda Item	3.5
Date Received	17th September 2007	Officer	Mrs Angela Briggs
Target Date	12th November 2007		
Ward	Romsey		
Site	163 - 167 Mill Road Cambridge Cambridgeshire CB1 3BH		
Proposal	Installation of new shopfront including ATM Unit.		
Applicant	Tesco Stores Ltd C/O CgMs Morley House 26 Holborn Viaduct London EC1A 2AT		

INTRODUCTION

- A.1 This application along with the other two applications submitted in September 2007 (LPA refs 07/0809/AD and 07/0811/FUL) are now the subject of appeals on grounds of non-determination of the applications by the City Council, within the prescribed period. These applications are deemed refused by the City Council as local planning authority, but will now be determined at appeal by an Inspector appointed by the Planning Inspectorate.
- A.2 Despite that, it is still necessary that the Committee consider today what determinations it would have reached in respect of all three applications, had they not been deemed refused as a result of non-determination within the prescribed period of time. The reason for this is that the Council must decide whether or not it wishes to contest the appeals. In the event that the Committee decide it would have refused any or all of the applications, it must give clear and precise reasons why it would have done so, for each application, and these reasons would form the basis of the case upon which the Council would contest the appeals. Should Committee decide that it would

have approved any or all of the applications, it must also give clear and precise reasons why it would have done so, for each case, but would not then contest the appeals.

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 163-167 Mill Road is a two-storey, flat roof building, constructed in the 1970's, which stands on the north side of Mill Road. It occupies a frontage of about 17.5 metres between 161 (to the west), a launderette (which takes access from Mill Road) with a flat above (which has access from Sedgwick Street), and 169 (to the east), where an estate agency occupies both floors of the building. The front of the building is set back about 1.5 metres from the front line of 161 and 169 which flank it, with the western end about 5.5 metres east of the junction with Sedgwick Street.
- 1.2 To the rear of the site is an area of tarmac, used as a parking area, access to which is from Sedgwick Street, a one-way street along which motor vehicles may only travel north to south.
- 1.3 The building has until recently been occupied by a shop (a Class A1 use) on the ground floor (a use that remains), with financial services office (a Class A2 use) at first floor level. Access to the offices is from a doorway at the western end of the frontage, adjacent to the launderette.
- 1.4 The ground floor of 163-167 was last occupied by Wilco Motorists Discount Store, but is now vacant. The existing signs have been removed and the property currently has an unkempt appearance, despite some attempts to improve it, with a considerable amount of fly-posted notices. To the front of the property is a wide area used by pedestrians; concrete bollards about 5 metres from the face of the building mark the boundary between the shop 'forecourt' and the public footpath which is part of the public highway.
- 1.5 The full width of the ground floor frontage, save for access to the first floor at the western end, is divided into three equal width sections and all of which are glazed. The east and central sections are each divided into three equal sized panels, but have no openings; the western section has one panel flush and the same as the others on the frontage, but the other two in this

section are recessed and subdivided into three, with the central element providing the only entrance to the store.

- 1.6 The immediate locality has a mix of uses, including Class A1 (shops), A2 (financial and professional services), A3 (cafes) and A5 (take-aways) – some with residential uses above - on the Mill Road frontage, with predominantly Class C3 (dwellings) use in the tight-knit residential streets to the north and south of Mill Road. There is a wide range of shop front in the area.
- 1.7 The site is situated within the Mill Road District Centre (East), as identified in the Cambridge Local Plan (2006). The site does not fall within the Conservation Area and there are no Listed Buildings adjacent.

2.0 THE PROPOSAL

- 2.1 This full planning application seeks to install a new shopfront similar to that which exists, but with some distinct changes. The proposal shows the ground floor face of the building (where the entry to the existing store is currently recessed) brought forward in line with the rest of the front glazing and the introduction of an ATM unit, surrounded by grey panelling, at the western end of the frontage (adjacent to the retained entrance to the first floor offices where the entrance to the store is currently located); the entrance is to be relocated to the centre of the three panels at the eastern end of the site frontage. The new shopfront would be constructed from aluminium with automatic bi-parting doors.
- 2.2 The application is accompanied by the following supporting information:
 1. Planning, Design and Access Statement.
- 2.3 In addition to this application, one advertisement consent application for the installation of one double sided projecting sign and one fascia sign both with illuminated lettering, and a full application submitted for a single storey rear extension for storage and plant purposes, measuring approximately 98m² were submitted at the same time. Following appeals against the non-determination of these three applications, three further similar applications have been made.

3.0 SITE HISTORY

Reference	Description	A/C, REF, W/D
C/63/0007	Conversion of ground floor for use as butcher's shop. 163 Mill Road	A/C
C/64/0448	Change of use of ground floor from residential to shop. 167 Mill Road	A/C
C/68/0726	Supermarket with stores and office or living accommodation. 163/165 & 167 Mill Road	A/C
C/68/0276	Supermarket with stores and office over. 161-165 Mill Road	A/C
C/69/0337	Erection of five shops with office space above. 163-169 Mill Road	A/C
C/70/0405	Erection of shop, office and flat. 163-169 Mill Road	A/C
C/71/0826	Erection of 3 lock-up shops at ground level with offices over. 163/167 Mill Road.	A/C
C/73/0583	Erection of shop front. 163-167 Mill Road	A/C
07/0809/ADV	Installation of one double sided internally illuminated projecting sign and one internally illuminated fascia sign	Subject of a non-determination appeal
07/0811/FUL	Erection of a single storey rear extension and installation of plant.	Subject of a non-determination appeal
08/0095/ADV	Installation of one double sided internally illuminated projecting sign and one internally illuminated fascia sign	Decision Pending
08/0098/FUL	Installation of new shopfront including ATM unit	Decision Pending
08/0099/FUL	Erection of single storey rear extension and installation of plant	Decision Pending

4.0 PUBLICITY

4.1 Advertisement:	No
Adjoining Owners:	Yes
Site Notice Displayed:	No
Public Meeting/Exhibition (meeting of):	No
DC Forum (meeting of): (Cancelled)	No

5.0 POLICY

5.1 Central Government Advice

5.2 **PPS1 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 **PPS6 Planning for Town Centres (2005):** States that the key objective for town centres is to promote their vitality and viability by planning for growth and development of existing centres, promoting and enhancing existing centres by focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all. The statement seeks to enhance consumer choice to meet community needs and ensure new development is well served by a choice of means of transport.

5.4 **PPG13 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 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 Cambridgeshire and Peterborough Structure Plan 2003

P1/3 Sustainable development in built development

5.7 Cambridge Local Plan 2006

3/1 Sustainable development

3/4 Responding to context

3/15 Shopfronts and Signage

5.8 Supplementary Planning Documents

Cambridge City Council (Nov 1997) – The Cambridge Shopfront Design Guide: This document has been instrumental in improving the quality of design to retail premises in the City. It gives clear guidance on all aspects of shopfront, signage, illumination, canopy and security design whilst not stifling innovative approaches.

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

6.1 No significant adverse affect upon the public highway should result from this proposal, should it gain benefit of planning permission.

6.2 The above response is 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:

11	Barnwell Rd
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Tynedale House, 36	Selwyn Gardens
18a	Covent Garden
13	St Barnabas Rd
42	Sedgwick Street
Arjuna Clinic, 12a	Mill Rd
52	Birdwood Rd
9	Mackenzie Rd
63	Hemingford Rd
26	Cockburn St
67	West St, Isleham
Down House	Primrose Lane
16	Coleridge Rd
43	Marshall Rd
125	Hemingford Rd
24	Manhattan Drive
1	Thorpe Way
7	Catherine St
41	Rosemary Rd
27	Hemingford Rd
8	Belgrave Rd
8	Hazelwood Close
1	Catherine St
8	Rivar Place
87	Ramsden Square
35	Brampton Rd
35	Brampton Rd
106	Gwydir St
13	Sedgwick Street
25	Sturton St
137	Coleridge Rd
25	Thoday St
88	Tenison Rd
6	Great Eastern St
37	Argyle St
42B	George Pateman Court, Tenison Rd
36	Greville Rd
12	Rustat RD
2	Romsey Rd
17	Christchurch St

12	Hemingford Rd
55	Hemingford Rd
59	Mawson Rd
158	Gwydir St
56	Ross St
45	Hemingford Rd
27	Belgrave Rd
79	Great Eastern St
129	Hemingford Rd
175	Gwydir St
126	Sedgwick Street
57c	St Philip's Rd
172	Gwydir St
155	Gwydir St
146	Sedgwick Street
81	Catherine St
218-220	Mill Rd
11	Greville Rd
19	Ainsworth Place
30	Station Rd, Whittlesford
104	Suez Rd
124	Thoday St
14	Sedgwick Street
148	Cromwell Rd
34	Gwydir St
122	Gwydir St
114/6	Mill Rd
118	Tenison Rd
92	Brampton Rd
171	Gwydir St
36	Cromwell Rd
28 School Court	Thoday St
35	Norfolk St
156-160	Mill Rd
32	Nuttings Rd

A 4000+ signature petition has also been submitted generally opposing the applications, together with a secondary petition of 132 signatures from The City of Cambridge Residents Trust and 130 additional emails. 2 letters of support have been received in favour of Tesco occupying a premises along Mill Road.

7.2 The representations can be summarised as follows:

The ATM in this location would lead to increase car traffic on Mill Road;

The ATM would encourage dangerous parking at the side of Mill Road;

Shopfront not in keeping with character of the area;

Another ATM is not necessary, there are plenty enough along Mill Road.

7.3 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

8.0 ASSESSMENT

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Visual Amenity
2. Residential Amenity
3. Highway Safety
4. Third Party Representations

Visual Amenity:

8.2 The new shopfront will replace the current one, which although not very attractive, is very much part of the character of the building as a whole, though there have been some changes since the building was approved. The style of the proposed shop front will be similar to that which currently exists, retaining the large glass pane arrangement, but with it being flush across the whole of the shop frontage and with more robust aluminium frames and with the pilasters re-painted. The Cambridge Shopfront Design Guide (Nov 1997) states that *'new shopfronts in existing buildings must respect the proportions, scale, vertical or horizontal emphasis, materials, and type and amount of decoration on the original building'*. In my view, the proposal meets those requirements. The main alterations to the building are relatively minor, involving the relocation of the entrance and the introduction of bi-parting doors (which should make access for the disabled easier), and the installation of an ATM unit.

- 8.3 There are several other ATM units on Mill Road, but the introduction of a further ATM unit here recessed by 1.5 metres from the frontage of adjacent properties and approximately 7 metres back from the carriageway edge will not have so adverse an impact on the visual quality of the area and amenity of the area as to justify refusal on that basis. The Council does not have a specific policy restricting the number of ATM units allowed in a particular area because government guidance is clear in stating that it is not the role of the planning system to restrict competition, preserve existing commercial interests or to prevent innovation. . It would be unreasonable to refuse the application on the basis that one more ATM unit will adversely affect the character of the area.
- 8.4 In my opinion, the principle of the development is acceptable and in accordance with policies 3/4 and 3/15 of the Cambridge Local Plan 2006 and Policy P1/3 of the Cambridgeshire and Peterborough Structure Plan 2003.

Residential Amenity

- 8.5 It is acknowledged that the site is situated within a dense residential area, but it is also necessary to recognise that this is an important shopping frontage and District Centre. As previously explained, the site frontage is set back from the carriageway with the two buildings either side projecting 1.5m forward of the shop frontage. The ATM would be about 2.5 metres away from the flank projecting wall of 161 Mill Road and I do not consider that noise from users of the machine will therefore materially detract from the residential amenity of the occupiers of the flat above. The new door to the shop at the eastern end of the frontage would be adjacent to a building both floors of which are in use as an office and I do not therefore consider that the neighbours to that side would be adversely affected. Similarly, given the distances across the street, which is a significant thoroughfare where a certain amount of movement and noise is likely in the street, I do not consider that the presence of the ATM machine or a relocated entrance will materially adversely impact upon the amenity of local residents.
- 8.6 In my opinion the proposal is compliant with Cambridgeshire and Peterborough Structure Plan (2003) policy P1/3, and Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

Highway Safety

- 8.7 The County Council's Highway Engineer concluded that the proposal would not have an adverse impact on highway safety.
- 8.8 Letters of representation received objecting to this application, argue strongly that the presence of the ATM unit would result in more people parking on Mill Road, probably illegally, to access the ATM unit. This is a possibility, but offences against the highway legislation cannot be controlled under planning legislation. Despite the fact that this may occur on occasion, it is my view that the ATM would be used for the most part by local people who would walk or cycle to use the machine. In the light of the Local Highway Authority comment, I do not consider there to be a clear-cut or sound reason for refusing the application on this basis.
- 8.9 In my opinion the proposal is acceptable and complies with Policy 3/4 and 3/15 of the Cambridge Local Plan 2006, and Policy P1/3 of the Cambridgeshire and Peterborough Structure Plan 2003.

Third Party Representations

- 8.10 82 letters of objection have been received for this application raising the concerns rehearsed and addressed above.

9.0 CONCLUSION

- 9.1 In my opinion the new shopfront and the ATM unit are acceptable and comply with the aims and objectives of the Local Plan policies. The application is therefore recommended for approval.

10.0 RECOMMENDATION

That, had the application not been deemed refused as a result of non-determination of the application within the prescribed period of time, the City Council, would have approved this advertisement application and, therefore, resolves not to contest the appeal, excepting that in the event that the Inspector decide to grant permission, such permission be subject to conditions.

NB (Please note that if the recommendation is resolved it will still be necessary for the Committee to give clear and precise reasons.)

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.

