

Application Number	09/0422/FUL	Agenda Item	9.3
Date Received	20th May 2009	Officer	Miss Sophie Pain
Target Date	15th July 2009		
Ward	Coleridge		
Site	104 Cherry Hinton Road Cambridge Cambridgeshire CB1 7AJ		
Proposal	Change of use from A2 (financial and professional services) to A3 (restaurants and cafes).		
Applicant	Ms Amanda Peters 12 Mill End Road Cherry Hinton Cambridge CB1 9HS		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is situated on the corner of Cherry Hinton Road and Rock Road. The two storey building was previously occupied by the Cambridge Building Society but is now vacant.
- 1.2 The area is mainly characterised by residential accommodation, however the adjacent uses to the site are class A1 (shops) uses with flats above. There is allocated parking to the front of the property, accessed off Cherry Hinton Road, and a further vehicular access further up Rock Road into the rear of the site which accommodates two cars.
- 1.3 The property is located in the Cherry Hinton Road West Local Centre and Rock Road to the west of the premises is subject to a Controlled Parking restriction.

2.0 THE PROPOSAL

2.1 The applicant seeks planning permission for the change of use of the property from an A2 use to an A3 use for a café at ground floor level.

2.2 The application is accompanied by the following supporting information:

1. Existing and proposed floorplans

3.0 SITE HISTORY

3.1 No relevant site history.

4.0 PUBLICITY

4.1 Advertisement:	No
Adjoining Owners:	Yes
Site Notice Displayed:	No

5.0 POLICY

5.1 Central Government Advice

5.2 **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.

5.3 **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.

5.4 **East of England Plan 2008**

SS6 City and town centres
T14 Parking

ENV7 Quality in the built environment

5.5 Cambridge Local Plan 2006

3/4 Responding to context

3/7 Creating successful places

4/13 Pollution and amenity

6/7 Shopping development and change of use in district and local centres

6/10 Food and drink outlets

8/2 Transport impact

8/6 Cycle parking

8/10 Off-street car parking

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

6.1 No Objection

Head of Environmental Services

6.2 No Objection in principle, however a number of conditions have been recommended to protect the amenity of nearby properties.

7.0 REPRESENTATIONS

7.1 The owners/occupiers of the following addresses have made representations:

- The Bun Shop, 86 Cherry Hinton Road.

7.2 The representations can be summarised as follows:

- Believes that the area is already saturated with cafes and fast food shops and that there is not enough business to sustain yet another café.
- Granting permission will result in more competition and will only add more pressure to the already poor economy.

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. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Refuse arrangements
5. Car and cycle parking
6. Third party representations

Principle of Development

8.2 Policy 6/7 of the Cambridge Local Plan (2006) states that additional development within classes A1, A2, A3, A4 and A5 will be permitted providing that it will serve the local community and is of an appropriate nature and scale to the centre.

8.3 This local centre is in the centre of a predominantly residential area and provides amenities to the local residents as a local centre should. As a result, I believe that a significant number of customers to the proposed development will be from the local area and community and that this use will provide further variety to the centre.

8.4 The site is at ground floor level only and is of an adequate size to accommodate a café. It will be of an appropriate scale for this local centre which currently does not have a premises which provides such a use.

8.5 The latter part of this policy refers to change of uses from A1 to A2, A3, A4 or A5. While this local centre has less than the 60% of units in Class A1 (shops) usage, which this policy strives to sustain, as the property is already classified as an Class A2 use, this part of the policy is not applicable to this application.

8.6 Policy 6/10 of the Cambridge Local Plan (2006) states that developments for Use Classes A3, A4 and A5 will be permitted if:

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

8.7 I appreciate that there are a number of other food and drink establishments in this local centre and more widely in Cherry Hinton Road, but I am of the opinion that the cumulative impact of these uses is not detrimental to the local area and that there is enough variety within the centre to support this proposal. The other food and drink uses along this stretch of Cherry Hinton Road fall into the A3 (restaurant/snack bars/ cafes), A4 (public houses and bars) and A5 (take-away) uses and there is not a café as such present. It is however recognised that cafes and restaurants fall within the same Class A3 use.

8.8 The applicant proposes to open from 8 am until 6 pm Monday to Friday and 9am until 6 pm Saturday, Sunday and Bank Holidays and is comfortable to be restricted to these hours at least initially, and for this to be addressed by condition. My opinion is that these hours will not result in a noise disturbance to the local area as there is no external seating proposed and customers will be eating on the premises so there will not be instances when people are congregated outside the premises which would result in a situation where residents are more likely to be disturbed. Even where longer hours may be sought, I consider there to be some scope for flexibility without adverse implications for neighbours, though with limits.

8.9 In my opinion, the principle of the development is acceptable and in accordance with policies 6/7 and 6/10.

Context of site, design and external spaces

8.10 The locality is predominantly characterized by residential dwellings with other uses concentrated within this local centre, which is dedicated to a mixed use of Class A1, A3, A4 and A5 uses with residential accommodation above.

- 8.11 Policy 3/4 is relevant in that it seeks all new development to respond to the local context and draw inspiration upon key characteristics of its surroundings. The policy criteria are clear to ensure a high quality development can be achieved. In terms of the proposed development, the application seeks to provide an A3 use at the front of the property, which would reflect the mixed uses along the Cherry Hinton Road frontage while retaining the residential accommodation above.
- 8.12 The site is well connected to the City and is served by a frequent bus service. No additional floor space is proposed as part of this application. Therefore in light of this I am of the view that the proposal would not have a detrimental impact on the visual amenity of the area as the mass and scale of the building would remain as existing.
- 8.13 In my opinion the proposal is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/4 and 3/7.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.14 A significant proportion of the properties within this local centre consist of a unit at ground floor level and then residential accommodation above. There are no proposals to alter the external appearance of the property or to site tables and chairs outside the premises as such proposals may lead to a detrimental impact upon the amenity of neighbouring occupiers.
- 8.15 In terms of noise and disturbance, I do not consider that this level of development will give rise to an unacceptable level of noise and disturbance. This is because the café will be open during limited hours which can be conditioned to ensure that minimal disturbance is experienced by existing residential occupiers. Unlike other uses customers will be consuming food and drink on the premises which will limit the opportunity for people to wait outside the premises and create associated noise.
- 8.16 With regard to noise created in the property and the effect this could potentially have on residents in the flats above,

Environmental Health Officers have requested a condition for an appropriate scheme that provides insulation of the building to minimize the level of noise emanating from the building to adjoining properties.

- 8.17 The application does not provide information as to the ventilation and extraction of fumes but officers believe that an effective system can be installed which will ensure that residents are not affected by the smells which may be associated with such a use. A condition can be included to this effect, but should the proposals prove greater than is currently understood, a further permission may be required.
- 8.18 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/4 and 3/7.

Amenity for future occupiers of the site

- 8.19 I do not believe that there will be any detrimental impact upon the amenity of future occupiers as appropriate conditions will be included to ensure that noise and ventilation are addressed to the appropriate standard. Additionally, the opening hours of the property will not be extended which could lead to problems with regard to the occupiers amenity.
- 8.20 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policy 3/7.

Refuse Arrangements

- 8.21 The application states that there is already provision in place for waste storage from the previous occupants. As the previous use was a building society I believe that the proposed use will generate more waste. As no plans have been submitted to indicate where the storage for waste is to be inside I would recommend that this is conditioned but as I believe that there is sufficient space to the rear of the property to accommodate this, I have recommended a condition.

8.22 In my opinion the proposal is compliant with East of England Plan (2008) policy WM6 and Cambridge Local Plan (2006) policy 3/12.

Car and Cycle Parking

8.23 There are two existing car parking spaces to the rear of the property which will be used by staff. The applicant does not propose any further spaces. This is in accordance with the car parking standards in the Cambridge Local Plan 2006 which seeks 1 space per 50m² GFA.

8.24 The existing property does not have any provision for cycle parking and the applicant does not propose to install any which is not in accordance with the cycle parking standards. While I appreciate that a large proportion of customers will walk to the café due to its central location I do feel that it would be appropriate to provide cycle parking for staff to the rear of the property as there is sufficient room to the rear. I would seek 2 cycle parking spaces based on the gross floor area of the development and I will condition such permission accordingly.

8.25 In my opinion the proposal is compliant with East of England Plan (2008) policies T9 and T14, and Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

8.26 I have addressed the objectors concern with regard to his opinion that the area is already saturated with cafes and fast food shops. Competition of itself is not a planning consideration or a matter to which material weight can be attached.

Planning Obligation Strategy

8.27 This application does not require a planning obligation.

9.0 RECOMMENDATION

1. APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development shall commence until details of facilities for the covered, secure parking of 2 number bicycles for use in connection with the development hereby permitted have been submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

Reason: To ensure satisfactory provision for the secure storage of bicycles. (Cambridge Local Plan 2006 policy 8/6)

3. Before the development/use hereby permitted is commenced, details of equipment for the purpose of extraction and/or filtration of fumes and or odours shall be submitted to and approved in writing by the local planning authority. The approved extraction/filtration scheme shall be installed before the use hereby permitted is commenced.

Reason: To protect the amenity of nearby properties. (Cambridge Local Plan 2006 policy 4/13)

4. 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)

5. Prior to the commencement of the use hereby permitted, the on-site storage facilities for trade waste, including waste for recycling and the arrangements for the disposal of waste detailed on the approved plans shall be provided. The approved arrangements shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity. (East of England Plan 2008 policy ENV7 and in accordance with policies 4/13 and 6/10 of the Cambridge Local Plan (2006))

6. The premises to which this permission relates shall only be open to the public between 08:00 hours and 18:00 Monday to Friday and 09:00 hours to 18:00 hours Saturday, Sunday and Bank Holidays.

Reason: To protect the amenities of adjoining properties (Cambridge Local Plan 2006 Policies 4/12 and 6/10 and East of England Plan 2008 policy ENV7)

INFORMATIVE: The applicant/agent should contact the Food and Occupation Safety Team at Environmental Services, Mandela House, PO Box 700, Cambridge CB1 0JH, Tel:01223 454900

Reasons for Approval

1. This development has been approved, conditionally, because subject to those requirements it is considered to generally conform to the Development Plan, particularly the following policies:

East of England plan 2008: SS6, T14 and ENV7

Cambridge Local Plan (2006): 3/4, 3/7, 4/13, 6/7, 6/10, 8/2, 8/6 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.

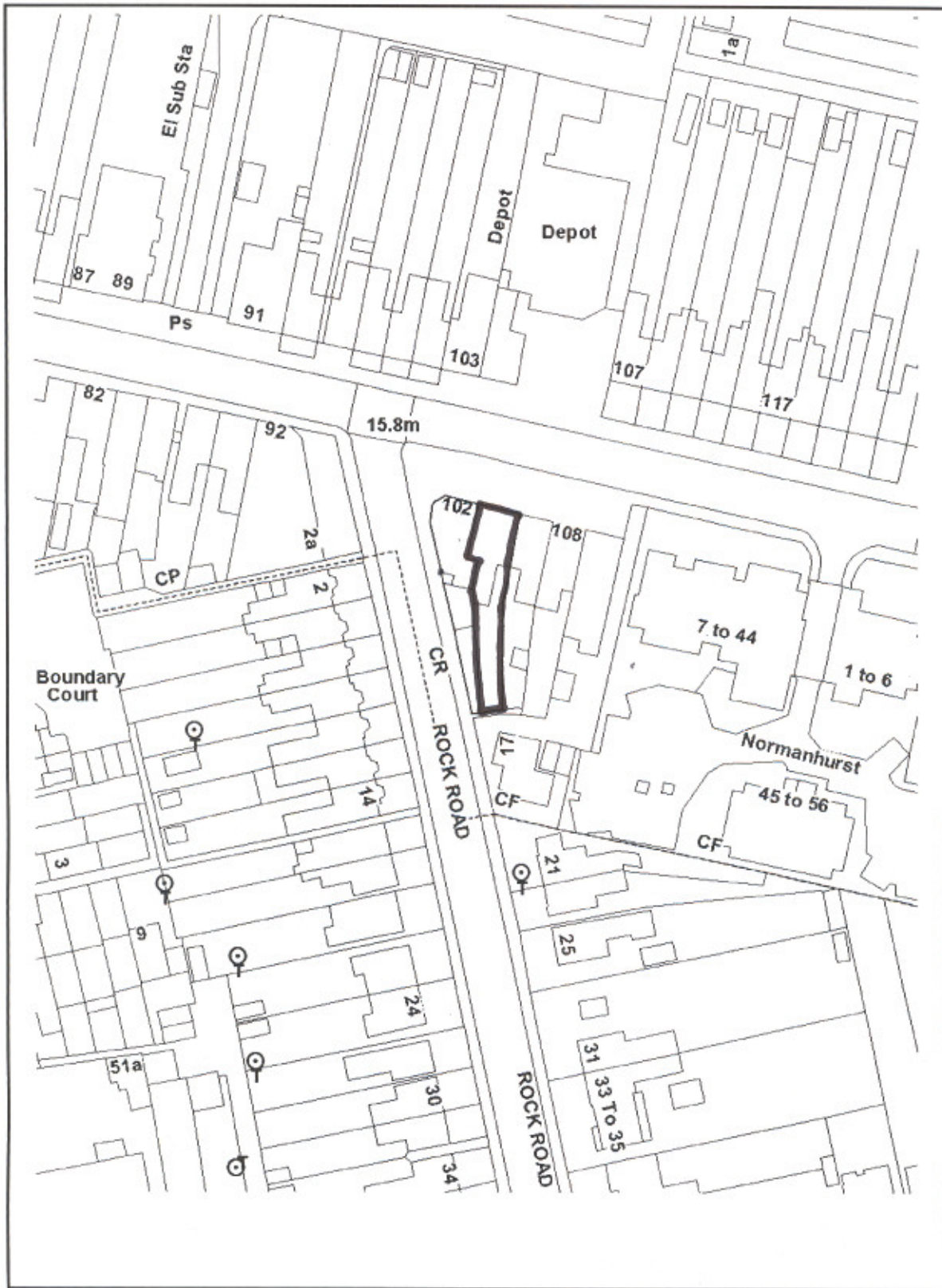
These reasons for approval can be a summary of the reasons for grant of planning permission only. For further detail on the decision please see the officer report by visiting the Council Planning Department.

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.



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