

CAMBRIDGE CITY COUNCIL

MINUTES OF A DEVELOPMENT CONTROL FORUM

26 July 2006

9.00-10.20am

APPLICATION: 06/0568/FUL Prospect Wines and Deli, Prospect Row

Present:

For Applicant

Stephen Clifton
Peter Howard-Jones
Neil Cook (agent, CHS Architects)

For Petitioners

Petition 1:
Craig Bickley
Richard Marsh
Maureen Donnelly
Geoffrey Lloyd

Petition 2:

Miranda Zwalf
Berry Groisman

Members of West/Central Area Committee: Councillors Cantrill, Dixon, Hipkin, Kightley, C Rosenstiel, J Rosenstiel, Smith
Also present: County Councillor Griffiths (Market Ward)

Officers: Sarah Dyer, Principal Development Control Manager (Chair), Rebecca Flood, Planning Officer

The following personal interests were declared by councillors:

- Councillor C Rosenstiel as a regular at the pub run by one of the petitioners and as an ex-colleague of another of the petitioners.
- Councillor J Rosenstiel as a regular at the pub run by one of the petitioners and a customer of the delicatessen.
- Councillor Smith as she was acquainted with one of the petitioners as they served together as school governors.
- County Councillor Griffiths as her daughter had signed the petition.

Preliminaries

Councillor C Rosenstiel asked that the description of the application be confirmed as he understood it to be different to what was on the agenda.
The Chair clarified that the description should read "Change of use from shop to wine bar and construction of a first floor extension for office space".

Applicant's case

Peter Howard-Jones summarised the commercial position:

- He was a resident of the area (in John Street), part owner of the property and a director of the delicatessen company which had been run by John Cook.
- Eighteen months ago they had changed the business to a combined delicatessen with wine sales. This had been unsuccessful due to lack of passing trade, to being the only shop within several hundred yards and parking problems. The opening of two major retail outlets had also had an adverse impact.

- Lunchtime customers had wanted to sit in and eat and there was no planning consent for this.
- In his view, they were not competing with other existing businesses such as the nearby pubs.
- They would not be applying for a Public Entertainment Licence nor for a late hours opening licence.

Neil Cook summarised the key architectural points:

- The building was in the conservation area and discussion had taken place with the Council's Conservation Officer.
- The shop front would be retained.
- The first floor was to be extended to provide office space. This would be accessed by a staircase on the Eden Street side.
- Residents' concerns about overlooking could be dealt with by using obscured glazing.
- The current staircase to the basement was dangerous and it was to be replaced by a spiral staircase.
- As there was no insulation to the flat roof, that was also to be replaced.
- The extension had been designed to fit in with the terraces in Prospect Row and Eden Street.

Petitioners' case

There were two petitions received about this application. Both sets of petitioners were of the view that the area needed a local shop catering for the needs of the local community, one which welcomed and appreciated its local customers, something which had not happened with the deli in recent months. They understood what the applicants were trying to do but had the concerns recorded below.

Petition 1:

The petitioners emphasised the importance of preserving the character of the street as a unique part of the conservation area. The deli itself was noted as an attractive feature which people came to photograph. The addition of an extra storey would change the character of the area.

They said that the patio areas at 1, 1a and 2 Prospect Row would all be overshadowed by the proposed extra storey with sunlight only present in the early morning and/or the early evening.

There were other individual points:

- Concern that the obscured glazing would not deal with people opening the windows and using the terrace outside.
- The resident of 1 Prospect Row explained that officers would not have been able to visit his property to evaluate the potential overshadowing as he had been out of the country. He requested that such a visit be made before any decision was made.

- If there were 42 seats in the new wine bar as the plans seemed to indicate, then concern that this was likely to generate up to 30 additional cars in the street especially at weekends.
- Concern about the additional noise that would be generated by more people and more traffic.
- The applicants were asked to clarify whether the same food was to be available as previously.

Petition 2:

The petitioners focused on concerns about noise for those living in Eden Street where any sound in the street was heard indoors. With 3 pubs in the area already the levels of noise were considerable and the wine bar would just add more. A linked concern was that the area would become one where people just came to drink which created feelings of insecurity in the (mostly) single/elderly residents in the street.

They also shared the concern about parking problems and the noise and pollution caused by additional cars.

They were not convinced that there would be fewer deliveries to the premises.

Planning Officer

The application had been submitted on 25 May 2006, consultations were sent out on 5 June 2006 and the relevant notices posted in the Cambridge Evening News and outside the site on 9 June 2006.

Two petitions had been received, one with 47 signatures and one with 34. Twenty individual letters of objection had been received. The objections had already been touched on by both parties.

Statutory Consultations had taken place as follows:

- Highways Agency – no objections.
- Environmental Health - no objections in principle but they would recommend conditions relating to the construction hours, delivery times and waste storage.
- Access Officer – commented that the toilet doors should open outwards and the gap to the side toilet was not big enough. The platform area with the step should either be sloped or not raised.
- Conservation Officer – raised no objections to the first floor extension but felt that the drawings were very lean on detail. The Officer considered this to be an acceptable concept but recommended a number of conditions in order to ensure that the extension had detail and vivacity.

Questions from Councillors

The following points were raised by councillors and responded to:

1. How was the first floor office related to the proposed wine bar on the ground floor?

Applicant: The first floor would be office space and quite separate from the ground floor which would be the wine bar. They were intending to optimise the income potential of the property. The office and the wine bar would be let separately.

2. Why would the wine bar add significantly to the noise levels?

Petitioner: The area became more noisy in the late evening which was when a wine bar would be at its most busy. So if the business were successful there would inevitably be more noise from customers and additional traffic.

3. What would the use class be and what were the implications for the future should the ownership of the building change.

Case Officer: The building could be used for any kind of drinking establishment.

4. What controls were possible on the hours of opening?

Case Officer: The hours of opening could be dealt with using planning conditions.

5. Where was the application in the planning process.

Chair: As the Forum was so close to the 3 August meeting of West/Central Area Committee, the application would go to the 28 September meeting if the officer recommendation were for approval. If the officer recommendation were for refusal then the decision would be taken by the officer under delegated powers.

6. Could the Case Officer give more details of what the Highways Authority had said.

Case Officer: No significant adverse effect upon the public highway should result from this proposal, should it gain the benefit of planning permission.

7. Following points just made by the applicants, it seemed that there were two applications: one for the construction of an additional storey to provide office space for letting and one for a change of use on the ground floor. Would it not be more appropriate to have two separate applications?

Chair: It was acceptable to deal with the two separate uses as one application.

8. If the application came to Committee could each aspect be determined separately?

Case Officer: If one aspect were refused then the whole application would be refused with the reasons for refusal focusing on those aspects which were relevant.

9. What were the relevant policies with regard to parking.

Case Officer: The Council's Parking Standards provided for parking spaces according to floor area of commercial premises. The rules relating to the Parking Zone would also affect the parking provision allowed.

10. Did the new Local Plan give any guidance about the uses in this area of the city.

Case Officer: The Local Plan did provide guidance and this would be addressed in the officer report.

11. Could the Council as Planning Authority take into account any cumulative impact in relation to noise in the way that as Licensing Authority it could do so.

Case Officer: The Planning Authority would rely on guidance from Environmental Health but the cumulative impact is a material consideration.

12. What was the relevant policy guidance with regard to the issues of loss of natural light.

Case Officer: There was guidance about the impact of extensions on loss of daylight to neighbouring properties.

13. A positive request to the Case Officer to include a condition about opening hours eg a closure time of 10pm.

Applicant summing up

- The ground floor was a superb space which would make a suitable wine bar with tables and chairs. The same food would be served.
- They would look again at the issues raised about loss of light.

- A condition relating to opening hours was acceptable.
- They would not go ahead if the problems residents foresaw were likely to happen.

Petitioners summing up

- The main objections were to the additional storey and its impact on the character of the area and on the amenity of neighbouring properties and to the cumulative noise impact. The residential properties in the street retained the old sash windows in keeping with the age of the properties which opened straight on to the street and thus let in noise and fumes in a way that double glazed windows would not.
- The resident of the adjacent property highlighted the particular potential impact of noise.
- A corner shop geared to the local community would be valued locally.
- Limiting the opening hours would be appreciated.
- Concern that the applicants were not those who would run the premises and so the attitude and approach of the tenants were unknown. It would have been helpful to have had the prospective tenant(s) present.