

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation
Control Committee

6th October 2004

AUTHOR/S: Director of Development Services

**S/1372/04/F – Great Shelford
Extension and change of use to restaurant (Class A3) + construction of car park at
Station House and land opposite, Hinton Way for A Kasim**

Recommendation: Refusal

Members will visit the site on Monday 4th October 2004

Site and Proposal

1. This application relates to a brick and slate part two-storey, part single storey building attached to the rear of Shelford rail station. It is currently vacant. Plans submitted at the time of a previous application on the site in 2002 indicated that the building was most recently used as a station master's residence. The application also relates to an area of land on the opposite side of Hinton Road to the rear of No.2 Leeway Avenue and alongside the railway line. No.2 Leeway Avenue and its garden is set up above the level of this land.
2. This full application, received on the 1st July 2004 and amended by plan date stamped 2nd September 2004, proposes to use the ground floor of the existing building as a restaurant and erect extensions which would add a further 62 square metres approximately of floor area to the building. The plans show approximately 80 square metres of public floor area and show 48 covers. 13 car parking spaces would be provided, 5 adjacent to the building and 8 within a new car park on the opposite side of Hinton Way and to the rear of No.2 Leeway Avenue. The amended plan excludes land erroneously included on the original plan. A letter submitted with the application states that the applicant is looking to increase the area of the restaurant and take into account the latest requirements of Part M of the Building Regulations.

Planning History

3. Planning permission was granted in November 2002 for a 22 square metres approximately single storey extension to and use of the building as a restaurant (**S/0224/02/F**). The approved plans showed approximately 47 square metres of public floor space and showed 30 covers. Nine parking spaces were shown on the approved plan. This permission included conditions stating that the restaurant shall be closed and vacated by customers between 2300 and 0800 hours and there shall be no take-away sales from the premises between the hours of 2130 and 0800.

Planning Policy

4. There are no Local Plan policies which relate specifically to the extension and change of use of a building to a restaurant. Local Plan 2004 **Policies SH5** and **SH9** relate to new shops and extensions to shops respectively. **Policy CS9** relates to the protection of village services, which would include restaurants.

5. Structure Plan 2003 **Policy P3/3** states that Local Planning Authorities will encourage the retention of local facilities and services within urban areas and assess the need for additional provision.
6. Local Plan 2004 **Policy TP1** states that the Council will promote sustainable transport choices through its decision on planning applications and one of the ways in which it will seek to achieve this is through the application of maximum car parking standards. For restaurants, the maximum standard is 1 space per five square metres of public floor space (which equates to a maximum of 16 spaces in this instance).

Consultation

7. **Great Shelford Parish Council** makes no recommendation but states that “The car parking provided is insufficient to meet the Council’s car parking standards and this needs to be resolved. We do not support take-away facilities because of the traffic and parking implications and if this is part of the application it should be refused.”
8. **Chief Environmental Health Officer** raises no objections but recommends that a condition be attached to any approval requiring details of the location and type of any power driven plant or equipment to be agreed.
9. **HM Inspector of Railways** states that any vehicles turning into the development must not cause traffic to block back onto the crossing therefore preventing or delaying the crossing being closed to road traffic.
10. **Local Highway Authority** and **Network Rail** have been consulted but no comments have been received.

Representations

11. Objections have been received from the occupiers of 2, 3, 4, 5, 8, 15, 24 (also signed by occupiers of 10, 20, 22, 26, 36 and 39) 29, 32 and 37 Leeway Avenue; 3, 15 and 18 Shelford Park Avenue; 17 Poplar Close; 56 and 58 Chaston Road; 2 and 5 Hinton Way; 11 Orchard Road; and Transact Group Ltd, Transact Management Services Ltd, Global Media Services Ltd, Rayshield Ltd, Station Court on the following grounds:
 - Insufficient parking leading to patrons parking in nearby roads thus causing annoyance to local residents;
 - Late night noise/disturbance from patrons leaving the premises;
 - Smells from the kitchens;
 - Increased traffic congestion in Hinton Way and surrounding roads;
 - Safety concerns as a result of the proximity of the site to the level crossing;
 - Highway and pedestrian dangers;
 - Devaluation of properties;
 - Litter associated with a take-away use;

- Who will police any time restriction for a take-away use?
- There is already an adequate number of restaurants in the village;
- Subsidence of No.2 Leeway Avenue's rear garden;
- The proposed security fence would be visually intrusive;
- Character of village would be spoiled;
- The parking spaces to the rear of 2 Leeway Avenue are far too close to the railway re: health and safety;
- Drainage problems;
- Additional policing challenges;
- Overlooking from first floor windows of 3 and 5 Hinton Way's back gardens; and
- Noise during construction period.

Planning Comments – Key Issues

12. The key issues in relation to this application are:
- Parking provision, highway and railway safety;
 - Impact on character of the area; and
 - Affect on amenity of nearby residents, and occupiers of No.2 Leeway Avenue and 3 and 5 Hinton Way in particular.
13. The principle of extending the existing building and using the resulting building as a restaurant has already been established by the approval of application S/0224/02/F in 2002. This application proposes a 30 square metre approximately larger restaurant and 4 more parking spaces. Members will need to consider what harm, if any, would result from the creation and use of a larger building with particular reference to the key issues referred to above.
14. In order to provide an appropriate level of parking for a restaurant of the size proposed (13 spaces compared to the standard of a maximum of 16 spaces), a new parking area is proposed adjacent to the railway line and level crossing on the south side of Hinton Way. In my opinion, the use of the proposed vehicular access located in such close proximity to the railway line would create an unacceptable risk of traffic blocking back onto the crossing by virtue of a vehicle waiting to turn right into the site, thereby having an adverse impact upon the safety and free flow of traffic across the level crossing.

There is an existing access in this position but it is only used infrequently. If this proposed parking area was omitted from the scheme to overcome this concern, I could not support the proposal as it would result in only 5 designated parking spaces for a 48 cover restaurant. Whilst the Local Plan sets out maximum parking

standards, I consider that such a shortfall in provision would not be acceptable. All this indicates to me that the approved scheme rather than the proposed scheme represents an appropriate size for any restaurant use of the site.

15. I consider that the design and appearance of the resulting building would be acceptable.
16. I do not consider that the building or its use would have an unacceptable additional impact on the amenity of the occupiers of neighbouring properties. The occupiers of No.2 Leeway Avenue would suffer some noise and disturbance resulting from the use of the proposed car park to the rear. However, on balance, as the parking area is set down below the level of No.2's garden, the railway line runs alongside the proposed parking area, and lighting and times of use could be controlled by condition if the proposal was considered to be acceptable in all other respects, I do not consider that the use of this area for parking would have a serious impact on the amenity of the occupiers of No.2 Leeway Avenue.
17. A further amended plan is required before the application can be determined as the height of the extension as shown on the proposed elevation drawings is not consistent.

Recommendations

18. Refusal (as amended by drawing no. H1771/02/B date stamped 2.9.04 and subject to the receipt of a further amended plans showing a consistent height for the proposed extension on all elevations) for the following reason:

The use of the proposed vehicular access located in close proximity to the railway line would create an unacceptable risk of traffic blocking back onto the crossing by virtue of a vehicle waiting to turn right into the site, thereby having an adverse impact upon the safety and free flow of traffic across the level crossing.

Background Papers: the following background papers were used in the preparation of this report:

South Cambridgeshire Local Plan 2004
Cambridgeshire and Peterborough Structure Plan 2003
Planning file Ref: S/0224/02/F and S/1372/04/F

Contact Officer: Andrew Moffat – Area Planning Officer
Telephone: (01954) 713169