

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

5th September 2007

AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

S/1293/07/F & S/1292/07/LB - GAMLINGAY

**Creation of Café (A3), Relocation of Existing Chiller and new roof, mezzanine floor at 38/40 Church Street for Mr J Crowther
Recommendation: Approval**

Date for Determination: 30 August 2007

Notes:

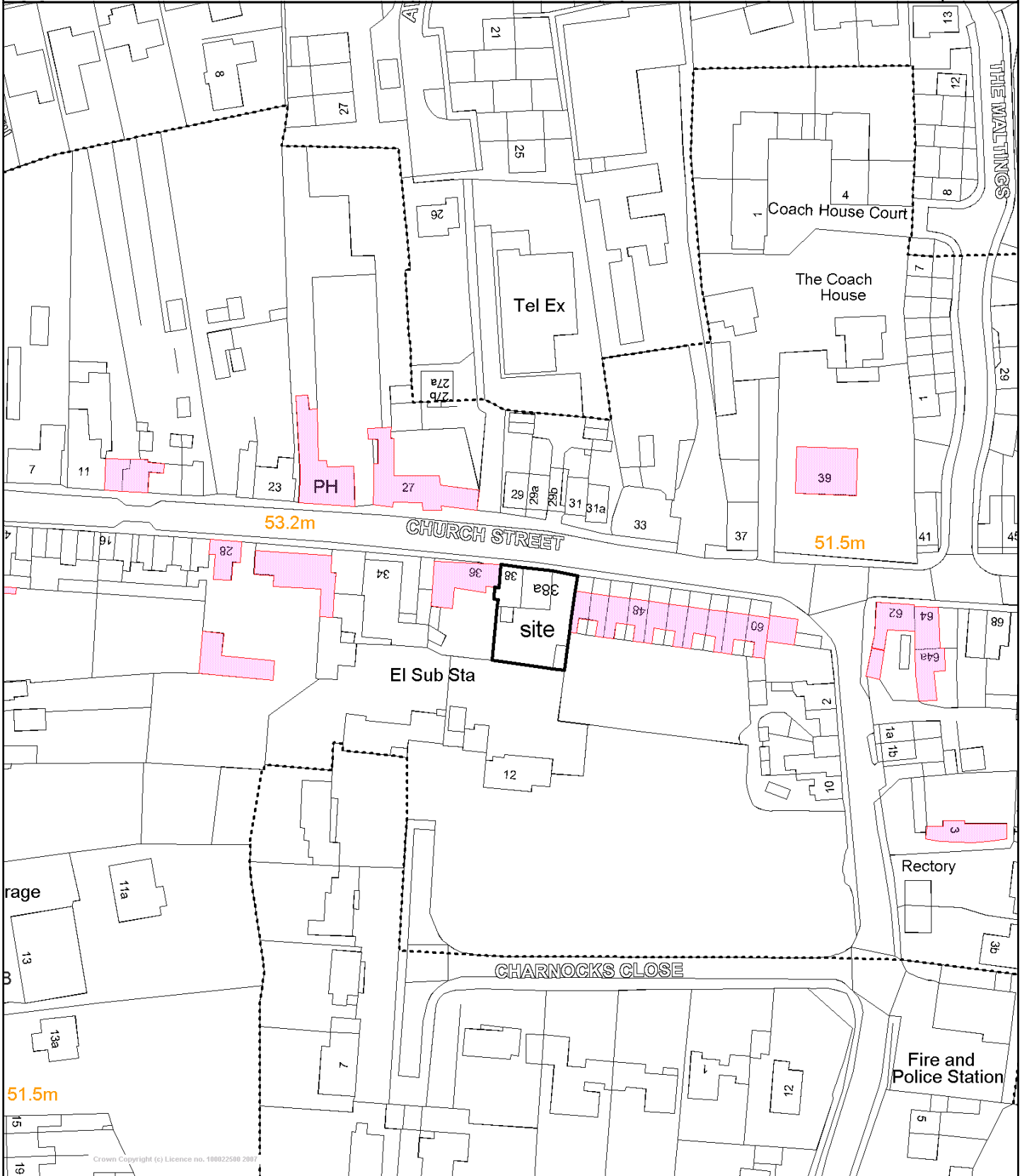
This Application has been reported to the Planning Committee for determination because Gamlingay Parish Council has recommended refusal of the planning and listed building applications.

Conservation Area and Grade II Listed Building (Curtilage listed)

Site and Proposal

1. 38-40 Church Street, Gamlingay is located within the designated Conservation Area. No 38 Church Street is currently used as a butcher and No. 40 is used as a Bakers, both Use Class A1 (shops). Both units are accessed to the rear by a side opening that runs along the boundary of the baker's wall. The yard comprises a single storey building to the rear of the site named 'preparation room' used for the existing commercial units and an associated chiller and refrigerator for the use of the butcher. A storage area that is located between the two units currently separates the two units; this is hidden from the street scene by two large gates located hard against the footpath. On the gates advertises the butcher, Knibbs of Gamlingay. The application site abuts residential properties on the east, south and west boundaries. To the north is Church Street.
2. The full application received 5th July 2007 seeks to create a cafe use (A3) to the existing A1 uses which would remain, relocate the existing chiller to create space for an external seating area, a new roof over the refrigerator and existing preparation room and the introduction of a mezzanine floor over the existing units to replace the lost storage at ground floor. Part B of the application form states that there are 7 existing employees and estimates that there would be 1 additional full time employee as a result of the proposed scheme. It is anticipated that there would be 5 additional vehicular movements per day.
3. The application is accompanied with a Design and Access Statement.
4. Since the original submission for this scheme there has been various revisions made based on early concerns raised with the agent. The Conservation Officer has requested various changes to the building and these have been addressed, the parking arrangements have also been altered in light of the neighbours' access to the garage that is via the same entrance.
5. There is still some concern with reference to the bin store and access to and from it.

s-1293-07



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Scale 1/1250 Date 21/8/2007

Centre = 523873 E 252326 N

September 2007 Planning Committee

Planning History

6. There have been various planning applications over the years for this site, the majority of which are for Listed Building consent. The site has had several extensions approved (**S/0420/00/F** and **SC/0215/71/F**), none of which are relevant to the current application. The access to the rear of the site was approved in 1986 (**S/0260/86/F**).

Planning Policy

National Policy

7. **PPS 7 Sustainable Development in Rural Areas** states in paragraph 7 that planning authorities should adopt a positive approach to planning proposals designed to improve the viability, accessibility or community value of existing services and facilities, e.g. village shops and post offices, rural petrol stations, village and church halls and rural public houses, that play an important role in sustaining village communities.

Cambridgeshire and Peterborough Structure Plan 2003

8. **Policy P1/3 'Sustainable Design in Built Development'** requires a high standard of design and sustainability for all new development, which minimises the need to travel and reduces car dependency.
9. **Policy P7/6 'Historic Built Environment'** states Local Planning Authorities will protect and enhance the quality and distinctiveness of the historic built environment.

Local Development Framework (Adopted July 2007)

10. **Policy DP/2 'Design of New Development'** sets out requirements for high quality design within new development.
11. **Policy CH/3 Listed Buildings:** Applications for planning permission and listed building consent (including applications for alterations, extensions, change of use or demolition of listed buildings) will be determined in accordance with legislative provisions and national policy (currently in PPG15). In assessing such applications the District Council will adopt a presumption in favour of the retention and preservation of local materials and details on listed buildings in the district.
12. **Policy CH/4 'Development within the Curtilage or Setting of a Listed Building'** sets out the requirements for development within the curtilage or setting of listed buildings.
13. **Policy CH/5 'Conservation Areas'** of the Local Development Framework 2007 sets out requirements for development within Conservation Areas.
14. **Policy SF/4 'Retailing in Villages'** states that proposals for new shops, redevelopment or extension of existing shops, or the change of use of buildings to shops within the village framework will only be permitted where the size and the attraction of the shopping development is of a scale appropriate to the function and size of the village.
15. **Appendix 1 Standards for Car Parking Provision** states that for A3 uses (such as restaurants, snack bars and cafes) 1 car space per 5 metres square of gross floor area should be provided as a maximum.

Planning Consultation

16. **Gamlingay Parish Council** – Recommends that both the Listed Building and planning applications be refused:
17. The comments for the Listed Building application read:
dormer looks straight into neighbours' gardens; skylight would prevent this loss of privacy. Further details relating to chiller with regard to noise pollution required. Concerns about creating a public space from semi-private yard (currently).
18. The comments for the Planning Application read:
Council has received objections from neighbours to the site with regards to car parking – space and layout do not allow for vehicular access of neighbour to garage in the corner of the site, together with increased security concerns. Creation of mezzanine to party wall a concern – noise, smell from café (detailed as open storage) concern about creating 'public' space adjacent to residential gardens with resultant noise pollution/security risk. Also increased noise pollution from relocated chiller – to back wall – requirements for insulation not addressed
19. **The Local Highways Authority** – Though the LHA was not initially consulted the concerns raised in the Parish Council comments were passed on to assess the impact the additional use would have on highway safety. Comments received on the 20th August 2007 read as follows
20. *In Highway terms the change of use from retail to a cafe would not be significant. There is on street parking and whereas the change of use may intensify the turn over of vehicles using this is unlikely to impact significantly from highway safety perspective. Any areas where parking could be potentially hazardous could/should be controlled by traffic regulation orders.*
21. **The Chief Environmental Health Officer** comments have not been received to date and will be presented verbally at Committee

Representations

22. There have been 2 letters of objection. The first received from the occupiers of No. 36 Church Street, abutting the western boundary of the site has raised concern regarding the following
 - a. The introduction of a dormer window in the rear will allow people to look directly into the garden and is unnecessary for the function of the mezzanine floor.
 - b. The passageway to the rear garden of this property will be exposed to unauthorised persons; the dormer window will help aid potential theft with better visibility into the rear garden. Objector has suggested the gates are permanently locked unless allowing for access of an authorised vehicle and also a self-closing and locking mechanism to be installed on the proposed gate for the shop.
 - c. The noise from the existing fan is already unacceptable; the proposal needs to change with respect to this for the benefit of the neighbours and the proposed customers for the teashop.
 - d. Noise and cooking smells entering the bedroom of No. 36 Church Street from the upstairs store and mezzanine floor

- e. Rights of access and parking – the plans restrict this right.
 - f. The wc and stairs to the cellar are not part of No. 38 but part of No. 36 and should be removed from the plans.
 - g. Further clarification of A3 use and whether this is different to the existing use and better understanding of whether this will mean a change in the opening hours of the premises.
 - h. Occupiers are unhappy with the general 'goings-on' at this site with reference to the chiller, which was meant to be temporary over the Christmas period, 4 large waste bins have caused parking and rights of way problems. The tea room was built with additional vans. The temporary gazebo to allow space for customers to sit has also been a nuisance.
 - i. New plans now excessive and should be rejected.
23. The second letter was received from the occupiers of No 12 Charnocks Close. This property is located immediately south of the application site. Concerns raised relate to the following.
- a. Noise pollution from the existing chiller unit and refrigerator units, now and in light of this application need to be addressed.
 - b. The addition of the proposed dormer window will face the bedroom window and is not acceptable (loss of a private view).
 - c. Introduction of unacceptable 'people and music noise' and security issues from the proposed A3 use.
 - d. Opening hours and use – oppose evening opening hours and have suspicions regarding the use of the mezzanine floor for A3 use also.
 - e. The proposed use of 15 customers per day is already exceeded and grossly underestimates the true situation.
 - f. The increase on customers will have an adverse impact on Church Street where parking is already limited.
 - g. Potential of cooking noises and food smells adversely impacting neighbour amenity

Planning Comments – Key Issues

24. The key issues to consider in the determination of this application relate to:
- a. Impact on the listed building and Conservation Area
 - b. Car parking
 - c. Noise and odour pollution
 - d. Impact on neighbour amenity

Impact on Listed Building and Conservation Area

25. The current application includes alterations: to enclosed access to create café with glazed screens, new and enlarged access to butchers shop, installation of staircase, mezzanine floor and rooflights to create attic storage areas. Relocate chiller unit to allow provision of attached timber framed pitched roof over refrigerator, new attached fences and gate to form café garden space.

The building is curtilage listed as a result of its physical attachment to the neighbouring property, number 36, which is Grade II.

The Conservation and Design team supported the application subject to the following amendments and conditions:

- a. The dormer removed altogether or replaced by a rooflight.
- b. The fencing to be natural and not stained.
- c. Condition for details of the folding glazed doors
- d. Condition for details of the new roof.
- e. Details of new enclosure for the bins.
- f. Schedule of repairs to the existing front gates

Amended drawings were received addressing these issues.

Car Parking

26. The Local Development Framework Development Control Policies (Adopted July 2007) state there is a maximum parking requirement for A3 (restaurant and café uses) uses. For an A3 use parking equates to 1 space per 5m² of gross floor area. My workings show approximately 60m² of café space measuring only the garden area at the rear and the covered café area between the two existing units. This floor area equates to 12 additional parking spaces.
27. The Local Highway Authority has already confirmed there are no concerns with reference to highway safety as there are on street parking spaces for the existing uses, controlled by traffic regulation orders. The issue here is whether or not Members can consider an additional use here without the required parking as stated in the LDF Development Control Policies 2007. There is already a turnover of vehicles related to the existing uses the majority of which park in Church Street and/or neighbouring roads that allow parking.
28. Church Street is a busy main road in the centre of Gamlingay, home to the majority of the commercial units within the village. The proposed scheme is sited in the most appropriate location for an A3 use and is located between two existing units that can cater for a use of this kind, closely linked to the butcher and the baker. The required parking is a maximum figure and in light of the already existing units I am of the opinion that the provision of further parking is more likely to encourage car use. The lack of parking facilities here has the potential to reverse the necessity to drive into Church Street, making the location of the scheme more sustainable than not, encouraging cycling and walking in the village. As highway safety is not a concern here the question is of sustainability in relation to traffic movements and I am of the view that this location is sustainable.

Noise and Odour Pollution

29. With no comments yet received from the Environmental Health Officer at the time of writing this report I cannot comment in great detail. However I am of the view that should further sound attenuation and odour filters be required this can be conditioned accordingly and prior to the use commencing. I am of the opinion that a café use is unlikely to generate smells that will require heavy ventilation equipment above and beyond what exists. The smells produced from this type of use will only be during the day and can be controlled if unreasonable. In light of the other surrounding uses and odours from other locations in Church Street I am of the view the odours will not cause a nuisance to neighbour amenity.

Impact on neighbour amenity

30. The A1 shopping uses already exist at this site and the coming and going of customers is already accepted. However the introduction of customers to the rear of the site for the consumption of food and drink on the premises will create additional associated noise, the question is whether it is unreasonable and will it cause harm. The opening hours proposed is 08.00 to 17.00 Monday to Friday and 08.00 to 16.00 hours on Saturdays. The shop opening hours at present are very close to these times and not unreasonable for an A3 use. These can be controlled by condition if required, though I am of the view it is not necessary. The impact on the neighbouring properties is likely to be minimum, the opening times are in line with the normal working day for many, and in line with the existing opening hours of the units at present. Therefore I do not consider that the use will adversely impact upon the neighbouring properties by way of noise.
31. A concern raised by the owners of the surrounding properties relates to security. There are no changes to the existing rights of way and with the parking arrangements now changed from the original submissions there is no reason for customers to access the rear of the site. The external café area is to be enclosed by a 1.8 metre high fence with climbing plants; the gate access within it is for the purposes of the staff and can be signed accordingly to prevent it becoming a throughway for customers.
32. The chiller unit is to be relocated from the centre of the yard to the south boundary closest to that of No 12 Charnocks Close. The distance from the dwelling house at No 12 Charnocks Close is over 20 metres from the proposed location of the chiller. Acoustic details can be addressed by condition. I await the comments from the Environmental Health officer. I am of the opinion the relocation of the chiller is acceptable subject to noise attenuation should it be required.
33. On balance I consider that any harm to neighbour amenities should be capable of amelioration by imposition of condition upon the operation of the use and that the absence of customer car parking is outweighed by the sustainable location of the site and the enhancement that the use will bring to the visibility and vitality of the existing shopping uses and the amended drawings 2700/4B, 5B, 6B and 7 franked 20th August 2007.

Recommendation

34. Subject to the comment of the Environmental Health Officer, approval of both applications subject to Conditions

Planning Conditions

1. Standard Condition A – Time limited permission (Reason A);

2. Surface water drainage details; (Reason – To ensure satisfactory drainage of the site)
3. Assessment of noise exposure together with appropriate mitigation measures;(Reason – To ensure minimum impact on neighbour amenity)
4. Notwithstanding the scheme, hereby permitted, the use shall not commence until a scheme for the storage of waste and recycling has been submitted to and approved in writing by the Local Planning Authority in writing. The scheme shall be carried out in accordance with the approved details, before the use hereby permitted commences.
(Reason – To ensure refuse storage is adequately provided on site without causing visual harm to the area and does not obstruct the access to the rear of the site)

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003:**
P7/6 (Historic Built Environment)
Policy P1/3 (Sustainable Design in Built Development)
 - **South Cambridgeshire Local Development Framework**, adopted July 2007
DP/2 (Design of New Development)
CH/3 (Listed Buildings)
CH/4 (Development within the Curtilage or Setting of a Listed Building)
CH/5 (Conservation Areas)
SF/4 (Retailing in Villages)'
2. The development is not considered to be significantly detrimental to the following material planning considerations, which have been raised during the consultation exercise:
 - Impact upon the setting and character of the Listed Building
 - Impact upon setting of adjacent Conservation Area
 - Impact on neighbour amenity
 - Car parking and Highway Safety
 - Noise and Odour Pollution
 - Security

35. Listed Building Conditions

1. The works to which this consent relates shall be started not later than the expiration of three years beginning with the date of this decision notice.
(Reason - To ensure that consideration of any future application for works will not be prejudiced by listed building consents, which have not been acted upon.)
2. The works shall be carried out so that no damage is caused to the fabric and features of this listed building; any damage so caused shall be rectified to the approval of the Local Planning Authority.
(Reason - To protect the fabric and features of this listed building. (Particular features may be specified.)

3. Precise details of the proposed folding glass screen shall be submitted for the prior, written approval of the Local Planning Authority. Such detail shall show sections, opening arrangements and glazing bar patterns. All windows shall be of timber construction and painted.
(Reason - To ensure fenestration appropriate to this listed building.)
4. Precise details of all boundary walls, fences and gates shall be submitted for the prior, written approval of the Local Planning Authority.
(Reason - To protect the setting of this listed building.)
5. All new and matching materials, including a sample of the roof tile shall be approved on site by the Local Planning Authority.
(Reason - To ensure the use of matching materials.)
6. All mortars, plasters and render shall be lime rich to specifications submitted to and agreed in writing by the Local Planning Authority.
(Reason - To ensure the use of the appropriate mix of traditional lime plasters and mortars.)
7. The proposed rooflight(s) shall be inserted with flush detail to the approval of the Local Planning Authority.
(Reason - To safeguard the appearance of the listed building.)

Reason for Approval

1. The proposed works would not adversely affect the special character or appearance of the building.
2. The proposed works would not result in any significant loss or harm to the historic fabric.
3. The proposed works would not have an adverse impact on the setting and appearance of the historic building.

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

- South Cambridgeshire Local Development Framework (adopted January 2007)
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning File Ref: S/1293/07/F and S/1292/07/LB

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