

21/01142/FUL

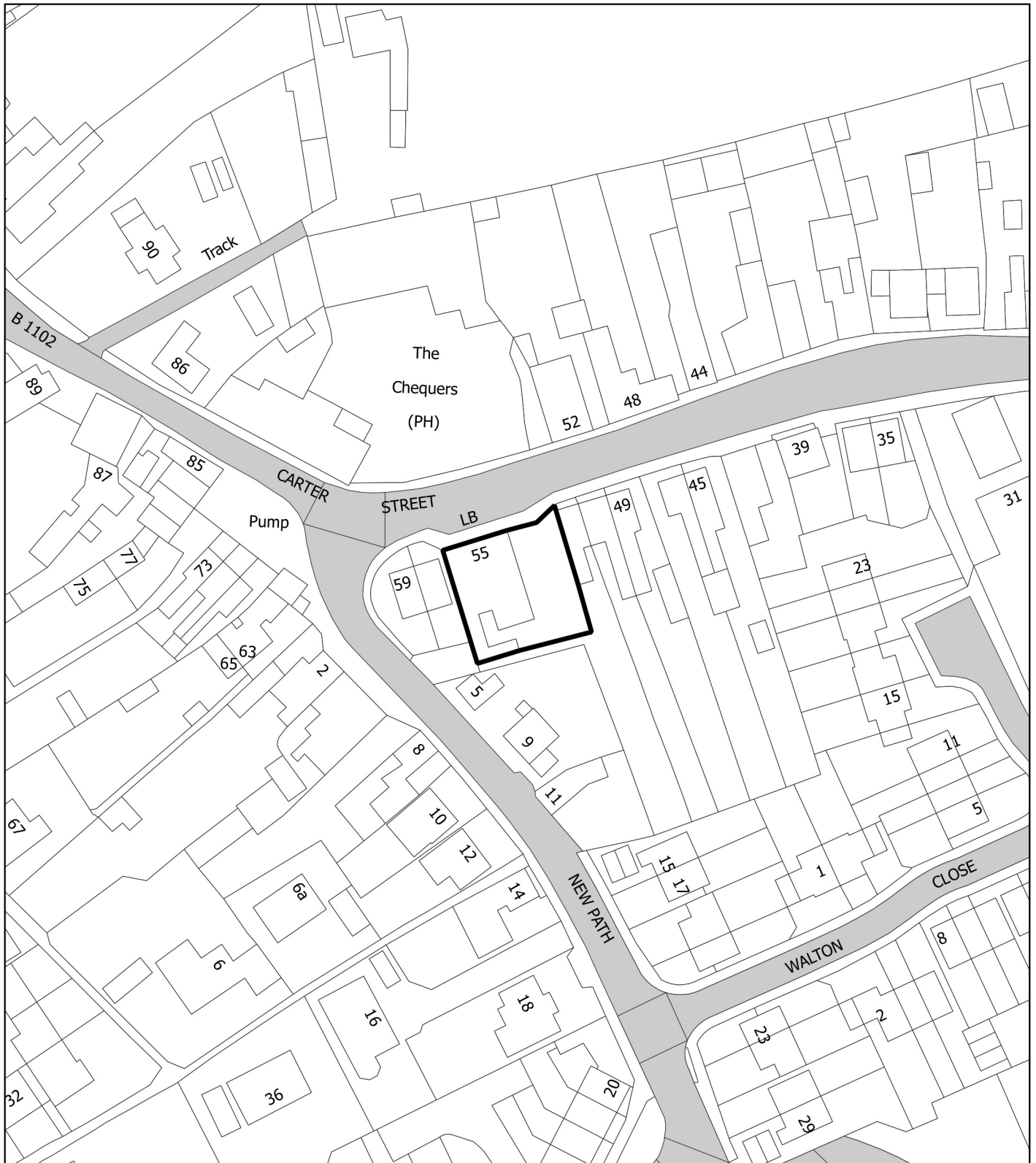
55 Carter Street
Fordham
Ely
Cambridgeshire
CB7 5NG

Proposed Part Change of Use from Retail (A1) to Takeaway (Sui-Generis)

To view all of the public access documents relating to this application please use the following web address or scan the QR code:

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QX9I69GGLTN00>





21/01142/FUL

55 Carter Street
Fordham



East Cambridgeshire
District Council

Date: 16/11/2021
Scale: 1:1,000



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MAIN CASE

Reference No: 21/01142/FUL

Proposal: Proposed Part Change of Use from Retail (A1) to Takeaway (Sui-Generis)

Site Address: 55 Carter Street Fordham Ely Cambridgeshire CB7 5NG

Applicant: S V Garages UK Ltd

Case Officer: Rachael Forbes Planning Officer

Parish: Fordham

Ward: Fordham And Isleham
Ward Councillor/s: Julia Huffer
Joshua Schumann

Date Received: 3 August 2021 **Expiry Date:** 8th December 2021

Report Number W122

1.0 RECOMMENDATION**1.1** Members are recommended to REFUSE the application for the following reason:

The proposed development fails to provide sufficient levels of car parking provision for the intensification of use proposed and this under provision is likely to lead to increased demand for on street car parking spaces in an area where existing commercial premises and residential dwellings rely on on-street parking. No justification has been provided for the lower levels of parking provision. Furthermore, there is no space on site for turning and manoeuvring to allow vehicles to leave the site in a forward gear. This will result in vehicles reversing out on to a busy road and a blind bend. The proposal is therefore contrary to Policies COM 4, COM 7 and COM 8 of the East Cambridgeshire Local Plan, 2015, Policy 11 of the Fordham Neighbourhood Plan and chapters 9 and 12 of the NPPF which seek all developments to provide a safe access and adequate car parking.

2.0 SUMMARY OF APPLICATION**2.1** The application seeks the proposed part change of use from an existing retail unit to a Takeaway (Sui Generis). The application sets out that the Takeaway would occupy 127sqm (1367.02sqft) of the existing building and the retail use would retain 66sqm (710.418sqft).

2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

2.3 The application has been called into Planning Committee by Cllr Huffer for the following reason:

'Following the Fordham Parish Council meeting on Monday, I have been asked to call this item into Committee as they believe that the parking requirement is unfair and unnecessary and the notion of a facility such as this has much local support'.

3.0 PLANNING HISTORY

3.1

74/00475/FUL	NEW SHOP FRONT	Approved	05.11.1974
96/00244/FUL	Installation of roller security shutter to entrance/exit (Retrospective).	Approved	24.05.1996
97/00705/FUL	Enclosure of rear yard to form Bakery Preparation Room	Approved	28.10.1997
00/00905/ADI	CO-OP Logo & Letterings, Service Menu, Projector Sign	Approved	03.01.2001
03/00226/FUL	Installation of ATM and accompanying satellite dish	Approved	30.04.2003
03/00227/ADI	Projecting sign and ATM surround	Approved	30.04.2003
09/00454/ADI	1no fascia sign and 1 double-sided hanging sign	Approved	10.08.2009
20/01481/FUL	Change of use of ground floor space from retail to cafe, development of two residential units at first floor level and extensions and alterations including parking arrangements	Application withdrawn	06.04.2021

4.0 THE SITE AND ITS ENVIRONMENT

4.1 55 Carter Street is occupied by a vacant single storey food store, which was previously the Co-op which has been relocated to the site opposite. The site is within the development envelope of Fordham. It is within the vicinity of two Listed Buildings; 79, 81, 83 and 85 Carter Street (NHLE 1126387) which consists of four cottages under one listing and The Chequers (NHLE 1126388). The street scene is a mixture of residential and commercial, however the buildings immediately surrounding 55 Carter Street are residential.

5.0 RESPONSES FROM CONSULTEES

5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

5.2 **Parish Council** - 25 August 2021

'Whilst Fordham Parish Council cannot see any planning reasons to object - the main concerns remain regarding road safety issues and the danger of constant heavy traffic. We have received several letters of objection from residents. Fordham Parish Council uphold their concerns and hope the environmental issues will be taken into account when considering this application.'

5.3 **Ward Councillors** – 28th October 2021

Following the Fordham Parish Council meeting on Monday, I have been asked to call this item into Committee as they believe that the parking requirement is unfair and unnecessary and the notion of a facility such as this has much local support.

5.4 **Technical Officer Access** - 19 August 2021

1. An accessible parking space should be considered in the small car park.
2. Ramps to be provided to the door to the takeaway and the shop.
3. Automatic doors preferred.
4. Provision of a lower counter area for those customers in wheelchairs.
5. Signage to be in clear fonts with good colour contrast.
6. Step free access at customer entrance.
7. The counter should be at suitable heights to accommodate all customers.
8. Flexible seating preferred as this then accommodates all customers
9. Any on site parking should include Blue Badge spaces laid out to part M.

5.5 **Local Highways Authority** - 24 August 2021

'I have no objection to this application as the proposals do not include changes to the existing off-street car parking, the access or existing layby.'

5.6 **Local Highways Authority** - 1 September 2021

'Upon discussion with the case officer, it has become apparent that the proposal is likely to result in a material intensification of use of the site. To ensure the proposals do not have negative safety implications, the applicant should demonstrate that

appropriate levels of off-street parking can be provided in accordance with East Cambridge Local Plan parking policy for the intended use class and scale of development.

In response to the anticipated intensification, the car park access will need to be a minimum of 5m in width with 2m x 2m visibility splays to either side. Sufficient space will also be required internally to allow all anticipated vehicles to turnaround so that reversing onto Carter Street (at the location of a blind bend) is avoided.'

5.7 Environmental Health - 18 August 2021

'I don't have any issues to raise with the proposed hours of opening in Section 19 of the Application Form and would request that they are conditioned. I would also request that deliveries to the business are also restricted to these times.

Section 9 of the Planning Statement advises -

"The use of the unit as a takeaway fish and chip shop will possibly give rise to cooking smells. Therefore prior to occupation and as part of the detailed design a specialist contractor will be appointed to design the extraction and filtrations systems. The final details are to be confirmed and can be subject to a condition within the planning consent."

I would also request that a noise assessment, undertaken by a competent person, shall be submitted specifying the predicted impact of noise on noise sensitive properties and shall detail mitigation measures (if necessary) to ensure noise levels at sensitive receivers are within appropriate limits. Mitigation measures shall be agreed in writing with the local planning authority and implemented prior to the use of the development and adhered to thereafter. This noise assessment should be measured and/or calculated in accordance with BS 4142:2014+A1:2019.'

5.8 Waste Strategy (ECDC) - 13 August 2021

'The waste team would request that a litter bin is provided by the shop and taken in each night at the end of trade or a permanent bin is fitted at the front of the shop for which the business would be responsible for emptying in order to limit the volume of loose waste that might affect the nearby area.'

5.9 CCC Growth & Development - No Comments Received

5.10 Conservation Officer - 11 August 2021

'No conservation implications'

5.11 A site notice was displayed near the site on 24 August 2021 and a press advert was published in the Cambridge Evening News on 12 August 2021.

5.12 Neighbours – 12 neighbouring properties were notified and the responses received are summarised below. Nine letters of objection have been received; seven of these from separate addresses and two additional comments from addresses that had

already objected. 1 letter of support has been received. A full copy of the responses are available on the Council's website.

Several of the letters of objection also included pictures of the parking situation and the highway safety issues.

Highway Safety & Parking:

- Very busy road and dangerous bend.
- The exits from the new Co-op and Chequers are blind.
- There has already been one death since the relocation of the Co-op.
- There is already competition for on-street parking from existing properties and those accessing commercial facilities in the area.
- The current car parking at 55 Carter Street is limited (5 spaces) which leaves little space for customers if they are planning for four staff and with a restricted turning area.
- Existing safety issues with daily 'near misses' from traffic on the bend with numerous daily delivery lorries turning into and existing the Co-op car park, vehicles crossing oncoming traffic from a blind bend, along with buses and agricultural traffic.
- There have been several accidents, regular damage to parked cars and one pedestrian fatality.
- A fish and chip shop will lead to increased traffic at the same time as the evening peak travel time. The proposal would not reduce the number of cars travelling to this particular area of Fordham or parking in this already congested area.
- The customers of the Co-op do not use the car park and park on the street.
- The Local Highway Authority officer's comments are brief and lack detail.

Impact on the Street Scene:

- The proposal will not enhance the street scene, it will lower the character of Carter Street which includes historic buildings as mentioned in the Fordham Neighbourhood Plan.
- It is not in keeping to have a takeaway next to Victorian houses and opposite Listed Buildings.
- The signage of such establishments is rarely in keeping with the character of a small village.
- This development may detract from a Locally Important View outlined as historically important in the Fordham Neighbourhood Plan. (FV06 – View west along Carter Street to The Chequers and The Pound).

Noise:

- Trading hours until 10pm will encourage loitering and noise late at night outside. If the application is successful, trading hours should be until 9.30pm.
- If approved, could deliveries be 08:00-17:00 Monday-Friday and 08:00-13:00 Saturday and none on Sunday.
- Concerns regarding the noise generated from extraction fans, refrigerator fans or extraction exhausts and odour from fat fryers. If approved, there should be

provision of good quality extraction fans on external walls and an odour protection system on exhausts.

- Concerns regarding the potential for anti-social behaviour and damages.
- An increased amount of noise and pollution has already been witnessed as a result of the expansion of the Co-op.
- Would like to see details of extraction systems that will be used for the fryer as residents already suffer from odours from the existing Chinese and Indian takeaways.
- There are already 12+ chip shops within a 6 mile radius.

Drainage:

- There are issues with drains on the road outside and 'ponding'. During heavy rain there is a large puddle of surface water from 53-55 Carter Street.

Other:

- Concerns regarding litter and waste disposal.
- No information has been provided about the second business (the shop). A shop and takeaway in this area is overdevelopment.
- There are outlets on the new estate with parking where this would be more appropriate.
- The takeaway is not appropriate for a residential area due to privacy issues, noise and general disturbance.

One letter of support has been received raising the following points:

- The building has an established use for retail and existing car parking arrangements have existed for many years.
- The dangers to pedestrians will exist whether the site is retail or residential.
- The change of use will have little impact on car parking requirements as the fish and chip shop will be open limited hours, unlike the previous shop.
- The busy road bend will always be an issue but this property is on the right-hand side of the bend where there is good visibility.
- Fordham Parish Council have been successful in a bid to provide safety measures in this location.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 3	Shop fronts and advertisements
ENV 4	Energy and water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 12	Listed Buildings

COM 1	Location of retail and town centre uses
COM 4	New community facilities
COM 7	Transport impact
COM 8	Parking provision

6.2 Fordham Neighbourhood Plan 2018

Policy 2: Character and Design
 Policy 6: Locally Important Views
 Policy 8: Wildlife & Habitats
 Policy 11: Car Parking

6.3 Supplementary Planning Documents

Shop Fronts Design Guide
 Flood and Water
 Natural Environment SPD
 Climate Change SPD

6.4 National Planning Policy Framework 2021

- 2 Achieving sustainable development
- 6 Building a strong competitive economy
- 7 Ensuring the vitality of town centres
- 9 Promoting sustainable transport
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving & enhancing the historic environment

6.5 Planning Practice Guidance

7.0 PLANNING COMMENTS

The main considerations in the determination of this application are the principle of development, visual impact and impact on the heritage assets, residential amenity, highway safety and parking, ecology, flood risk and drainage and any other matters.

7.1 Principle of Development:

7.2 The application seeks the part change of use from an existing retail unit to a takeaway. The proposed takeaway will occupy 127sqm (1367.02sqft) of the existing building and the retail use would retain 66sqm (710.418sqft). The existing Use Class of the building is E(a) which is the display or retail sale of goods, other than hot food. The takeaway use is Sui Generis, which means 'a class of its own'. This use is specifically defined and excluded from classification by legislation.

7.3 The Use Class Order was amended in September 2020. Retail was previously classed as A1 and takeaway as A5. The East Cambridgeshire Local Plan, 2015 still uses the pre-September 2020 Use Classes in the policies. For the purposes of this

report, Use Classes shall be referred to by the current classes, E(a) and Sui Generis, unless referring to specific policies, specifically COM 8, Parking Provision.

- 7.4 Policy GROWTH 2 states that within the defined development envelopes housing, employment and other development to meet local needs will normally be permitted provided that there is no significant adverse impact on the character and appearance of the area and that all material planning considerations are satisfied.
- 7.5 Policy COM 1 states that the approach of the policy seeks to focus main town centre uses within the identified town centres in the district (Ely, Littleport and Soham), wherever possible, however it is recognised that small scale local facilities such as food outlets are vital for the sustainability of many rural communities within the district. Support may be given to the provision of small-scale localised facilities in villages and neighbourhoods outside town centres (such as corner shops, food and drink outlets and small-scale leisure facilities), where it can be demonstrated that the development would meet a clear localised neighbourhood need and the development is not of a scale and type which should be located within identified town centres.
- 7.6 Policy COM 4 states that proposals for new or improved community facilities should be located within settlement boundaries wherever possible. Proposals for all new or improved community facilities should be well located and accessible to its catchment population (including by foot and cycle), not have a significant adverse impact (itself or cumulatively) in terms of the scale or nature of traffic generated, not have a significant adverse impact on the character of the locality, or the amenity of nearby properties, demonstrate that opportunities to maximise shared use have been explored and be designed to facilitate future adaptation for alternative community uses or shared use.
- 7.7 In respect of Policy COM 1, it is considered that the proposed takeaway would fall into the remit of a small-scale localised facility and is not of such a scale and type that it should be located in an identified town centre. There has not been a demonstration of a clear localised need, however, the takeaway is proposed to be situated within existing commercial premises and there are other types of takeaway present in the area. In respect of need, the Councillor call in states that there is much local support, however, many objections from residents have also been received, with only 1 letter of support, as summarised within paragraph 5.12 above.
- 7.8 In respect of COM 4, it is considered that the proposal would be well located and accessible to its catchment population and would not have a significant adverse impact on the character and appearance of the area. It is considered that the proposal represents a shared use and could be adapted for future community uses, as Takeaways (Sui Generis) can change use to Class E without planning permission. It is considered that with the imposition of planning conditions that the proposal would not result in a significant impact to residential amenity, however, the proposal would have a detrimental adverse impact to highway safety, which is fully assessed in the relevant section.
- 7.9 While the proposal is considered to comply with Policy GROWTH 2 and broadly comply with the objectives of Policy COM 1, the proposal is considered contrary to Policy COM 4 due to the detrimental impact to highway safety.

- 7.10 Visual Amenity and Impact on the Heritage Assets:
- 7.11 Policy ENV 1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure that they provide a complementary relationship with the existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlements.
- 7.12 Policy ENV 2 states all new development proposals, including extensions and alterations to existing buildings and structures will be expected to ensure that the location, layout, scale, form, massing, materials and colour of buildings relate sympathetically to the surrounding area and each other, as well as creating quality new schemes in their own right.
- 7.13 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of Listed Buildings.
- 7.14 Policy ENV12 of the East Cambridgeshire Local Plan, 2015 states that proposals that affect the setting of a Listed Building will only be permitted where they would:
- Preserve or enhance those elements that make a positive contribution or better reveal the significance of the heritage asset
 - Not materially harm the immediate or wider setting of the Listed Building
 - Facilitate the long-term preservation of the building.
- 7.15 Policy COM 4 states that proposals for new or improved community facilities should not have a significant adverse impact on the character of the locality.
- 7.16 Policy 2 (Character and Design) of the Fordham Neighbourhood Plan states that delivering high quality design is responding to context, such as the size and shape of the site; views of the site, nearby buildings or other features; topography of the site and its surrounds; and materials and vernacular design. Proposals can respond positively to context through the mix of buildings, their scale, their height, their bulk, the space between buildings and their positions, materials used, rhythm of the building and its fenestration, roof angles, landscaping, and specific design features, amongst many other considerations.
- 7.17 Policy 6 (Locally Important Views) of the Fordham Neighbourhood Plan states that development proposals should not obstruct or detract from a Locally Important View. Any proposal that has potential to impact on these views should be accompanied by supporting information to demonstrate why the proposal will not have a negative impact on the view.
- 7.18 The proposal seeks to divide an existing building for part use as a takeaway and part use as a shop. The Planning Statement sets out that the internal and external shop areas would be refurbished to meet with the requirements of the prospective tenant, however, the existing shop front would generally be retained with minor alterations to provide dedicated access doors and signage fascia to both units. There is no proposal to change the side and rear elevations of the property or to alter the configuration of the existing outbuildings to the rear or the car parking

arrangement. The Planning Statement does note that the final design, material and colour choice including signage for the new shop fronts are yet to be confirmed. The signage is likely to require advert consent which is a separate application process.

- 7.19 The main change to the exterior is the replacement of one of the existing windows to provide a door to the shop, as the takeaway will utilise the existing door. The plans note that the windows and doors will be powder coated aluminium framed double glazed windows and doors; this appears to be the existing situation.
- 7.20 The Planning Statement sets out that the proposal will enhance the street scene. There have been comments submitted that the proposal would not enhance the street scene and it will lower the character of Carter Street, that it may detract from a Locally Important View and that it is not in keeping to have a takeaway next to Victorian houses and opposite Listed Buildings. The existing building is more modern than most in the street scene and therefore is not necessarily in keeping with the street scene at present, however, the proposal does not significantly change the external appearance of the building. Details of the final design, including materials and colour of the shop front could be conditioned, which would give the Local Planning Authority control over this element and as noted above, the signage would require a separate application for advert consent. It is considered that in views west along Carter Street, that the building is not especially visible; it is lower in height than those around it and subject to an appropriate shop front design and signage, would not be any more visible than it is at present. Any shop front design and signage would need to comply with the guidance set out in the Shop Front Design Guide SPD and Policy ENV 3 of the Local Plan.
- 7.21 The existing building is in the vicinity of two Listed Buildings, 79, 81, 83 and 85 Carter Street (NHLE 1126387) which are four cottages under one listing and The Chequers (NHLE 1126388). As noted above, there are very few external changes proposed and therefore it is considered that the proposal would not result in harm to the setting of the Listed Buildings. The Conservation Officer has been consulted as part of the application has commented that the proposal has no conservation implications.
- 7.22 It is considered that the proposal would not result in significant harm to the character and appearance of the area, would not result in harm to the setting of the Listed Building and would not detract from a Locally Important View and is therefore considered to comply with Policies ENV 1, ENV 2, ENV 12 and COM 4 of the East Cambridgeshire Local Plan, 2015 and Policies 2 and 6 of the Fordham Neighbourhood Plan.
- 7.23 Residential Amenity:
- 7.24 Policy ENV 2 of the East Cambridgeshire Local Plan, 2015 states that new development will be expected to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.
- 7.25 Policy 2 of the Fordham Neighbourhood Plan states that development proposals must deliver high quality design through providing adequate amenity space for

future occupiers of the proposals and not resulting in unacceptable impacts on the amenity of occupants of neighbouring or nearby properties.

- 7.26 Policy COM 4 states that proposals for new or improved community facilities should not have a significant adverse impact on the amenity of nearby properties.
- 7.27 55 Carter Street has five immediately adjacent neighbours; 51, 53, 55 and 59 Carter Street and 9 New Path. Nine letters of objection have been received; seven of these from separate addresses and two additional comments from addresses that had already objected.
- 7.28 The objections raised in respect of residential amenity are largely in relation to noise and disturbance, parking and privacy. In respect of noise and disturbance the specific issues raised are trading hours, deliveries, noise from cooking equipment, anti-social behaviour and litter. The proposed opening times are 12:00-14:30 and 17:00-22:00 Monday-Saturday. Concern has been raised that the late opening hours will encourage loitering and noise late at night. The opening hours proposed are similar to those at other nearby businesses. The Co-op is open from 07:00-22:00 every day, The Chequers is open 17:30-22:00 every day and the Chinese restaurant (Links) is open 17:30-22:45 Monday to Thursday, 12:00-14:00 and 17:30-22:45 Friday and Saturday and is closed on Sunday.
- 7.29 The Council's Environmental Health Officer has commented that they have no issues to raise with the proposed opening hours and would request that they are conditioned and have also requested that deliveries to the business are restricted to these times.
- 7.30 In respect of cooking equipment, the Planning Statement acknowledges that the use will give rise to cooking smells and therefore a specialist contractor would be appointed to design the extraction and filtration system. This is also noted on the submitted drawing WPCL0452 PL-03. The Council's Environmental Health Officer has not requested that these are submitted as part of the application and therefore these details could be sought via a planning condition.
- 7.31 The Council's Environmental Health Officer has requested that a noise assessment is submitted specifying the predicted impact of noise on noise sensitive properties and detail any mitigation measures necessary to ensure noise levels at sensitive receivers are within appropriate limits. He has confirmed that this can be sought via a condition.
- 7.32 In respect of anti-social behaviour, the property is an existing commercial property which could be brought back into use as a shop or any other use within Class E without requiring planning permission. Furthermore, the surrounding commercial premises have similar opening hours and the takeaway will not open any later than the Co-op situated across the road or the other two takeaways mentioned above.
- 7.33 In respect of litter, the Planning Statement sets out that a bin store and waste recycle store would be provided to the rear of the car parking areas. The Council's Waste Strategy Team have requested that a litter bin is provided by the shop and taken in each night at the end of trade or a permanent bin is fitted at the front of the shop for which the business would be responsible for emptying in order to limit the

volume of loose waste that might affect the nearby area. It is considered that details of this could be secured by condition.

- 7.34 In respect of privacy, with the exception of the changes to the shop front detailed above, there are no other changes proposed to the outside of the building and no additional windows are proposed. It is therefore considered that the proposal would not result in an overlooking impact to neighbouring properties. Further to this, as there is no change to the dimensions of the building, it is considered that there will be no impact in respect of overbearing and overshadowing over and above that which may already exist.
- 7.35 It is considered that many of the issues raised in respect of the impacts to residential amenity could be controlled by the imposition of a suitably worded condition. The proposal is therefore considered not to result in significant adverse impacts to residential amenity and is therefore considered to comply with Policies ENV 2 and COM 4 of the East Cambridgeshire Local Plan, 2015 and Policy 2 of the Fordham Neighbourhood Plan.
- 7.36 Highway Safety and Parking:
- 7.37 Policy COM 4 states that proposals for new or improved community facilities should not have a significant adverse impact (itself or cumulatively) in terms of the scale or nature of traffic generated.
- 7.38 Policy COM 7 of the East Cambridgeshire Local Plan, 2015 states that development proposals shall provide a safe and convenient access to the highway network.
- 7.39 Policy COM 8 of the East Cambridgeshire Local Plan, 2015 states that development proposals should provide adequate levels of car and cycle parking in accordance with the Council's parking standards.
- 7.40 Policy 11 (Car Parking) of the Fordham Neighbourhood Plan states that development proposals will be required to meet the parking standards in the up to date Local Plan as a minimum and proposals which exceed this minimum will, in principle, be welcomed, provided this does not give rise to a poor quality design overall and proposals that are likely to result in unplanned on-street parking will not be supported.
- 7.41 There have been multiple concerns raised by residents around the highway safety and parking issues resulting from this application including that the road is already busy and there is a dangerous bend, competition for on street parking, limited parking at the site and existing safety issues which would be exacerbated by the development.
- 7.42 In their initial comments, Fordham Parish Council stated that the main concern remained regarding road safety issues and the danger of constant heavy traffic, however they could not see any planning reason to object. The reason for the committee call in is that the parking requirement is unfair and unnecessary.
- 7.43 There are no records of when the existing building was built; the oldest record of a planning application is from 1974 which was for a new shop front. The address

listed is Co-op Stores. The existing car park has approximately 5 spaces, however no detailed parking provision has been shown on the submitted drawings.

- 7.44 The East Cambridgeshire Local Plan, 2015 states that for A1 retail food, the car parking space requirement is up to 1 space per 14m², (150.695sqft) for A1 retail non food, the car parking space requirement is up to 1 space per 20m² (215.278sqft) and for A5 takeaway the car parking space requirement is up to 1 space per 5m² (53.8196sqft).
- 7.45 The Council's car parking standards split A1 use into two types; A1: Retail (food) and A1: Retail (non-food). It is unknown which A1 category the shop would fall into (food or non food) but the parking spaces required for A1 retail food and takeaway would be 30.1 spaces and the requirement for A1 retail non food and takeaway would be 28.7 spaces. The proposed site plan shows the shop section is not included in the red line but is shown in the blue line and it is unclear as to whether the car park will be solely for the use of the takeaway or for both uses. For the takeaway use alone, 25.4 spaces would be required. Even when only taking the takeaway use into account, the shortfall is 20.4 spaces, which will increase if the A1 (whether it is food or non-food) use is also taken into account. The proposal is contrary to Policy 11 of the Fordham Neighbourhood Plan as it does not meet the parking standards which the Neighbourhood Plan sets out should be met as a minimum.
- 7.46 It should be noted that although the shop section of the proposal does not require planning permission, it has not been included in the red line on the proposed site plan and therefore may lose all its parking to the takeaway.
- 7.47 Officers note that the existing building could be used as a shop as this is the lawful use of the building and it would have less parking than the requirements set out in the Local Plan. However, the parking provision in the Local Plan is higher for a takeaway than it is for a shop which indicates that it is considered to be a much more intensive use.
- 7.48 As well as being significantly short of parking spaces, the site also has no space for turning and manoeuvring which could potentially lead to vehicles reversing out of the site onto a busy road with a blind bend and potentially clashing with the entrance to the Co-op directly opposite. There is also no scope for the turning, manoeuvring or parking of delivery vehicles. Furthermore, the application form states that there will be four full time employees and although it is unlikely they would all be on shift at the same time, there is potential that they could occupy some of the limited parking spaces available, reducing the car parking even further for visitors.
- 7.49 The Local Highway Authority (LHA) have been consulted as part of the application and initially raised no objection to the proposal as it did not propose changes to the existing off-street parking, access or existing layby. However, upon discussion with the case officer and an explanation that we are still applying the existing parking standards in the Local Plan to the new use classes, the LHA revised their response and commented that the applicant should demonstrate that appropriate levels of off-street parking can be provided, the access would need to be a minimum of 5m (16.4042ft) in width with 2m (6.56ft) x 2m visibility splays to either side and sufficient

space would also be required internally to allow all anticipated vehicles to turnaround so that reversing onto Carter Street (at the location of a blind bend) is avoided.

- 7.50 It is noted that application 17/00146/FUL for the relocation of the Co-op was refused at Planning Committee with the first reason for refusal being the impact to highway safety and the second being the shortfall of parking spaces. This decision was overturned on appeal as the Planning Inspector considered that the proposal would not result in a detrimental impact to highway safety and that there was sufficient parking provided. The Council considered that 38 spaces were required, however, 23 spaces was considered sufficient by the Inspector. Given that the new Co-op site has a shortfall of 15 spaces under what is required by the Local Plan, the under provision of car parking at 55 Carter Street is only likely to exacerbate the competition for on street parking in the area. It is noted that in the Planning/Heritage Statement for 17/00146/FUL, the applicant had stated that the increased amount of parking spaces at the new Co-op site would reduce the threat of on-street parking when compared to the existing store (the site subject to this application).
- 7.51 It is considered that the under provision of parking, along with the intensification in use of the site would result in a detrimental impact to highway safety. The significant lack of parking spaces would result in increased competition for on street parking on a busy road which has several commercial properties in close proximity to each other and residential dwellings which also rely on on-street parking. It would also result in unplanned on-street parking, contrary to the Fordham Neighbourhood Plan. Furthermore, the site does not have sufficient space for vehicles to turn, manoeuvre and leave the site in a forward gear.
- 7.52 The proposal is therefore considered contrary to Policies COM 7, COM 8 of the East Cambridgeshire Local Plan, 2015 and Policy 11 of the Fordham Neighbourhood Plan.
- 7.53 Ecology:
- 7.54 Policy ENV 7 of the East Cambridgeshire Local Plan, 2015 states that all applications for development that may affect biodiversity and geology interests must be accompanied by sufficient information to be determined by the Local Planning Authority, including an ecological report, to allow potential impacts and possible mitigation measures to be assessed fully. It also states that all development will be required to protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds. Policy ENV 1 states that development proposals should protect, conserve and where possible enhance the pattern of distinctive historic and traditional landscape features such as watercourses, characteristic vegetation, individual and woodland trees, field patterns, hedgerows and walls and their function as ecological corridors for wildlife dispersal. Policy ENV 2 states that all development proposals will be expected to make efficient use of land while respecting the density, urban and village character, public spaces, landscape and biodiversity of the surrounding area.
- 7.55 The Council has adopted the Natural Environment SPD which states that all developments must result in biodiversity net gain.

- 7.56 Policy 8 (Wildlife and Habitats) of the Fordham Neighbourhood Plan states that 'Overall a net gain in biodiversity should be achieved, demonstrated by appropriate evidence prepared by a suitably qualified person on behalf of the applicant.'
- 7.57 The Planning Statement states that as the proposal is on an existing commercial site, the potential for impacts to biodiversity would be low. Officers agree with this statement given that the site consists of the existing building and a car park area. Although net gain has not been demonstrated as part of the application, it is considered that the limited physical changes proposed to the building do not lend themselves to biodiversity enhancements. The existing building is likely to be too low for bat or bird boxes and the yard is hardstanding. Given this, it is considered that it would not be reasonable to seek a scheme of biodiversity enhancements on this occasion.
- 7.58 The proposal is therefore considered to comply with Policy ENV 7 of the East Cambridgeshire Local Plan, 2015, the Natural Environment SPD and Policy 8 of the Fordham Neighbourhood Plan.
- 7.59 Flood Risk and Drainage:
- 7.60 Policy ENV 8 states that all developments and re-developments should contribute to an overall flood risk reduction. The policy states that development would not be permitted where:
- It would intensify the risk of flooding during the lifetime of the development taking into account climate change allowances, unless suitable flood management and mitigation measures can be agreed and implemented.
 - It would increase the risk of flooding of properties elsewhere during the lifetime of the development, taking into account climate change allowances, by additional surface water run-off or by impeding the flow or storage of flood water.
 - It would have a detrimental effect on existing flood defences or inhibit flood control and maintenance work.
 - The risk of flooding would cause an unacceptable risk to safety; or
 - Safe access is not achievable from/to the development during times of flooding, taking into account climate change allowance.
- 7.61 The site is within flood zone 1 and is therefore within an area at the lowest risk of flooding and therefore the development at this location is considered to be acceptable.
- 7.62 There have been comments made that there are issues with drains on the road outside and 'ponding' and during heavy rain there is a large puddle of surface water from 53-55 Carter Street. The proposed change of use is not creating any additional footprint or hardstanding and therefore it is unlikely that it will result in additional impacts to surface water drainage.
- 7.63 The proposal is therefore considered to comply with Policy ENV 8 of the East Cambridgeshire Local Plan, 2015 and the Flood and Water SPD.

7.64 Other Material Matters:

7.65 There have been comments received that no information has been provided about the second business (the shop) and that a shop and takeaway in this area is overdevelopment. The existing use of the building is Class E and therefore it can be used as a shop without planning permission. As noted above, signage for the shop may require advertisement consent which is a separate process.

7.66 Comments have been received that there are outlets on a new estate in Fordham with parking where this would be more appropriate. While this may be the case, the Local Planning Authority can only assess the application that is in front of them.

7.67 Energy, water efficiency and renewable energy in construction:

7.68 Local Plan Policy ENV4 states: '*All proposals for new development should aim for reduced or zero carbon development in accordance with the zero carbon hierarchy: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable*' and '*Applicants will be required to demonstrate how they have considered maximising all aspects of sustainable design and construction.*' The adopted Climate Change SPD encourages all development to include sustainability measurements within their proposal. No measures have been put forward as part of the application. While this does weigh against the application, it would not form a reason for refusal.

7.69 Planning Balance:

7.70 It is considered that the proposed part change of the existing building to a takeaway would not result in a significant adverse impact to the character and appearance of the area due to minimal external works taking place. It is considered that subject to robust, appropriately worded conditions seeking details of the extraction and filtration system, a noise impact assessment and provision of a litter bin that the proposal would not result in a significant adverse impact to residential amenity. The proposal is also considered to be acceptable in respect of ecology and flood risk.

7.71 However, the application will result in an intensification of use of the existing site. The proposal has not demonstrated adequate parking levels and the number of spaces available are significantly lower than those set out in Policy COM 8 of the East Cambridgeshire Local Plan, 2015 and it is considered that this will result in further on street parking on a busy road which already has a mixture of commercial and residential uses vying for space. Furthermore, the site has inadequate turning and manoeuvring space which would result in vehicles reversing onto the highway and no provision has been made for delivery vehicles. The site is also located opposite the access to the Co-op and near a blind bend. The proposal is therefore considered to result in a significant detrimental impact to highway safety and is contrary to Policies COM 4, COM 7, COM 8 of the Local Plan, 2015, Policy 11 of the Fordham Neighbourhood Plan and chapters 9 and 12 of the NPPF

8.0 APPENDICES

8.1 None

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
21/01142/FUL	Rachael Forbes Room No. 011 The Grange	Rachael Forbes Planning Officer 01353 665555 rachael.forbes@eastcambs.gov.uk
74/00475/FUL	Ely	
96/00244/FUL		
97/00705/FUL		
00/00905/ADI		
03/00226/FUL		
03/00227/ADI		
09/00454/ADI		
20/01481/FUL		

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

Fordham Neighbourhood Plan:

<https://www.eastcambs.gov.uk/sites/default/files/FordhamNPRefVrsn310818.pdf>

