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| Application Number | 16/0317/FUL | Agenda Item | |
| Date Received | 22nd February 2016 | Officer | Mairead O'Sullivan |
| Target Date | 18th April 2016 | | |
| Ward | Newnham | | |
| Site | 36 Newnham Road Cambridge Cambridgeshire CB3 9EY | | |
| Proposal | Change of use from retail (A1) to student residential accommodation together with associated external ground floor alterations. | | |
| Applicant | c/o Agent | | |

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| SUMMARY | <p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"><input type="checkbox"/> The proposal will have an acceptable impact on the amenity of the surrounding occupiers<input type="checkbox"/> The proposal will bring forward the re-use of a presently vacant unit<input type="checkbox"/> The proposal will have an acceptable impact on the character of the Conservation Area |
| RECOMMENDATION | APPROVAL |

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is a retail unit on the south west side of Newnham Road. The unit forms part of a larger development of student accommodation for Clare College approved under application reference 10/0908/FUL. The scheme involved the provision of 14 student units. Three retail units were lost as part of the development. The unit that is the subject of this application was provided to replace those lost as part of the development.

- 1.2 The site is located within the Central Conservation area.
- 1.3 The site is located within Flood Zone 2.
- 1.4 The site is located within controlled parking zone W.
- 1.5 The site is within an area defined as a Local Centre in the Cambridge Local Plan (2006)

2.0 THE PROPOSAL

- 2.1 The application proposes a change of use at ground floor level from the consented A1 retail use to a C3 student residential use, creating two additional units.
- 2.2 The applicant's agent has explained that, when permission was granted for the development of the wider College site, the proposals included this approximately 50sqm retail unit. After extensive marketing, a tenant was found seeking to operate a convenience store but the lease was not completed due to issues relating to installation of the required plant. Following further marketing, a tenant was found but this was short-lived.
- 2.3 The application also proposes external alterations at ground floor level associated with the change of use.
- 2.4 On the east (front) elevation the shop front is to be removed and replaced with a window to match the existing first floor window. On the west (rear) elevation two windows are to be replaced by two larger windows and doors with screens to match the existing units within the courtyard.

3.0 SITE HISTORY

| Reference | Description | Outcome |
|------------------|---|--------------------|
| 09/0865/CAC | Demolition of 42-44 Newnham Road and buildings to the rear of 40-52 Newnham Road. | Granted permission |
| 09/0864/FUL | Erection of 20 student residential units to the rear of 40-52 Newnham Road and the alteration and extension of 46-52 Newnham Road to create 14 student residential units (34 in | Refused |

total). Creation of a new vehicular access and car and cycle parking following the demolition of 42-44 Newnham Road, existing garages and other outbuildings and the partial demolition of the rear of 46-52 Newnham Road.

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| 09/0866/LBC | Internal and external alterations to 40 Newnham Road. | Granted permission |
| 10/0908/FUL | Erection of 18 student residential units to the rear of 40-52 Newnham Road and the alteration and extension of 46-52 Newnham Road to create 14 student residential units (32 in total) and the provision of a retail unit along with associated external works including the creation of a new vehicular access and car and cycle parking. | Granted permission |
| 11/0948/FUL | Change of use from retail (Use Class A1) to teaching facility for clients of local Wintercomfort for the Homeless (Use Class B1c) | Granted permission |

4.0 PUBLICITY

| | | |
|-----|------------------------|-----|
| 4.1 | Advertisement: | Yes |
| | Adjoining Owners: | Yes |
| | Site Notice Displayed: | Yes |

5.0 POLICY

- 5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.
- 5.2 Relevant Development Plan policies

| PLAN | POLICY NUMBER |
|------|---------------|
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|---------------------|-------|--|
| Cambridge Plan 2006 | Local | 3/1 3/4 3/7 4/11 4/13 5/1 6/7 7/7 8/2 |
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5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

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|---------------------------------|--|
| Central Government Guidance | National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 |
| Supplementary Planning Guidance | Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012) |
| Material Considerations | <u>City Wide Guidance</u> Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010) Strategic Flood Risk Assessment (2005) |
| | <u>Area Guidelines</u> Cambridge Historic Core Conservation Area |

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan that should be taken into account.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 The residents of the new dwelling will not qualify for Residents Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on the surrounding streets. The Highway Engineer requests that this is added to the decision notice as an informative.

Environmental Health

- 6.2 The proposal is acceptable subject to a construction hours condition. As outstanding information remains regarding the contaminated land condition on the previous application, the Environmental Health Officer has recommended all 6 parts of the contaminated land condition be imposed.

Refuse and Recycling

First comment

- 6.3 Need further information regarding the location of the bin store.

Second comment

- 6.4 If the bin store is staying in the same location and only 1 more set of bins needs to be added, the proposal is acceptable.

Urban Design and Conservation Team

- 6.5 The proposal is unacceptable. It degrades the character of the Conservation Area; this part of the Conservation Area derives some of its character from being partly commercial. The previous proposal for the site was accepted on the grounds that a retail unit was retained. The changes to the façade will reinforce the 'closed-off' institutional appearance and sense that the original design set out to avoid. The proposal is contrary to criteria b) of policy 4/11.

Head of Streets and Open Spaces (Sustainable Drainage Officer)

First comment

- 6.6 The proposal is unacceptable. The development is changing from a 'less vulnerable' to 'more vulnerable' use. No sequential test has been undertaken. The Flood Risk Assessment is out of date.

Second comments

- 6.7 The development is acceptable subject to conditions relating to finished floor levels and flood resilient construction.

Environment Agency

- 6.8 No comments received.

Policy

- 6.9 Formal comments have yet to be received. These will be included on the Amendment Sheet.
- 6.10 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

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

- ☐ Granary Yard (on behalf of Residents Association of Old Newnham –RAON)
- ☐ 15 Grange Road
- ☐ 51 Newnham Road
- ☐ 18 Wordsworth Grove

- 7.2 The representations can be summarised as follows:

- ☐ Newnham Road risks becoming a residential street
- ☐ Restaurants are struggling and there is a high turnover of shops
- ☐ Instead of removing employment opportunities we should investigate how business can be supported
- ☐ Workers help generate trade for shops and restaurants
- ☐ How has the shop been advertised? There has been no 'To Let' sign
- ☐ No site notice or neighbour notification
- ☐ There were successful shops before the site was redeveloped
- ☐ Parking will always be a problem but locals walk and cycle
- ☐ More effort should be put into making it a desirable shop (e.g. install chiller facilities)
- ☐ Logical to support businesses outside centre to help reduce congestion
- ☐ Other shops thrive outside of the city centre
- ☐ Locals find it difficult to get into town due to a poor bus service
- ☐ Will send a negative message to businesses on the road
- ☐ Unacceptable reversal of important element of the previously approved scheme
- ☐ Loss of unit would damage local centre
- ☐ Retention of 1 shop seen as minimum acceptable provision when assessing the previous proposal

- ☐ The college should be responsible for lowering the rent to incentivise occupation of the unit
- ☐ The east side of Newnham Road is surviving; this may be due to an increase in local pedestrian and cycle traffic and tourism growth (particularly to Sheep's Green and Coe Fen)
- ☐ A convenience shop would increase vitality and diversity
- ☐ There are 70 students as part of the new development that would be well served by a shop.
- ☐ If this is approved only two retail units will remain on the west side of Newnham Road
- ☐ Local centres need planning support
- ☐ This is also a conservation issue

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 (and impact on heritage assets)
3. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Third party representations

Principle of Development

8.2 Policy 6/7 relates to change of use within local and district centres. This states that a Change of use from A1, to uses other than A2/A3A/4A/5, will not be permitted within local and district centres.

8.3 Application 10/0908/FUL (phase 2 of the student accommodation development) resulted in the loss of three retail units from the site. One unit, the unit which is the subject of this application, was included to replace the three which were lost. Condition 28 of that consent states that the unit shall be used for A1 or A2 use class.

8.4 The applicant has submitted detail of marketing and interest in the site. This details that there were 23 enquiries about the unit but only one business has ever occupied the site; Quiver, a specialist shop dealing in corsets and curios. This business signed a lease in August 2014. A letter is supplied from the proprietor of Quiver dated 18th December 2015 which details why the unit is unsuitable for retail trading. The reasons given being:

- ☐ A lack of other retail business in the area
- ☐ A lack of passing trade exacerbated by the narrowness of the pavement
- ☐ Lack of parking
- ☐ Limitations with the building (lack of ventilation/no suitable location for air conditioning condenser)

8.5 In two previous applications on the site, 09/0864/FUL and 10/0908/FUL which relate to the student accommodation development, the case officer took the view that this frontage of Newnham Road ceased to operate as a local centre, and that the loss of 3x A1 units, as was proposed in that application, was acceptable. That scheme did retain one retail unit, which it was felt would help ensure the street would retain a residual role in meeting day-to-day needs. The loss of some retail on the site was considered to be outweighed by the gain of providing student accommodation and preserving the character of the area. In the application ref 11/0948/FUL which sought a temporary change of use from A1 to B1(c) the case officer also took this view.

8.6 It is clear that condition 28 of 10/0908/FUL sought to retain an A1 use on the site, and it was hoped this would replace the former convenience shop. However, the only retailer that has occupied the building is a corset shop (which serves a wider area rather than meeting everyday needs). The evidence provided by the applicant, has in my opinion, demonstrated that an A1 use is not viable for the site. Officers have consistently taken the view when considering recent applications that this area of Newnham Road no longer functions as a local centre with the area being more of an eating and drinking destination. These commercial uses are concentrated on the eastern/opposite side of the street. The vacant unit on the application site is one of only three commercial uses on this side (the others are the petrol station and an architect's office)

with the remainder being used as student housing. In my opinion, the applicants have provided sufficient and satisfactory evidence to demonstrate why the unit is unsuitable for retail use. I therefore consider the loss of the A1 unit to be acceptable and that the proposed use would bring forward a re-use of this presently vacant unit.

- 8.7 Policy 7/7 relates to student accommodation. This states that planning permission will be granted for student residential within existing college sites subject to
- a) Amenity considerations;
 - b) Their proximity to the institutions they serve;
 - c) Supervision, if necessary, is provided as appropriate to their size, location and the nature of the occupants; and
 - d) They do not result in a loss of family residential accommodation.
- 8.8 The proposal will form part of the wider student accommodation proposal for Clare College approved under 10/0908/FUL and 09/0864/FUL. The site is well related to Clare College, the site is supervised and there would be no loss of family accommodation. As a result I consider the proposal complies with policy 7/7.

Context of site, design and external spaces and impact on the Conservation Area

- 8.9 The shopfront is to be removed from the front elevation. This is a modern addition to the area, and the application proposes to replace the shopfront with a window and brickwork. To the rear two new window/doors with screens to match existing are to be added. I consider these works to be minimal and in keeping with the surrounding area. A condition is imposed to ensure matching materials.
- 8.10 The Urban Design and Conservation (UDC) Team does not support the proposal. It considers that the loss of the retail unit will be harmful to this part of the Conservation Area which is commercial in character. The unit is currently vacant. There has only been one occupier of the unit since its construction. This occupier did not find the unit to be fit for purpose. As discussed above this area of Newnham Road has not functioned fully as a district centre for a number of years. As a result I consider that

the loss of the unit will be acceptable as it will bring the site back into use and introduce life into a currently vacant frontage.

- 8.11 The UDC Team consider that the changes to the front elevation reinforce a closed off institutional appearance which had been avoided as part of the previous application. Although the shopfront will be removed, the adjacent frontage is all residential in nature and the proposal would replicate the existing form along this section of Newnham Road. I have recommended a condition to ensure the brickwork matches that adjacent, and the plans clearly show the new joinery would match that at first floor level. In my opinion, the proposed treatment to the building would not result in harm to the character of the area. The proposal will remove a vacant unit from the street and result in the site being occupied, thereby bringing forward benefits to the character of the Conservation Area.
- 8.12 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 4/11.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.13 The proposal does not alter the size or footprint of the building. The proposed new units will form part of the wider adjoining student accommodation development. The proposed new development will easily integrate with the existing scheme with bike and bin storage to be provided as part of the wider development.
- 8.14 The Environmental Health Officer has recommended a contaminated land condition as all parts of this condition were not discharged on the previous scheme. I consider that, as the works to the building are minor and as no excavation or extension is required, this condition is probably not relevant. I am awaiting a formal response from the Environmental Health Team as to whether this is the case. I will provide an update on the Amendment Sheet.
- 8.15 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 Cambridge Local Plan (2006) policies 3/4, 3/7, 4/13 and 7/7.

Amenity for future occupiers of the site

8.16 The proposed two new units are similar in layout and dimension to the adjoining studio units. The units will also have access to an internal courtyard. I consider that the two new units will provide an appropriate level of amenity for future occupiers of the site.

8.17 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 Cambridge Local Plan (2006) policy 3/7, 4/13 and 7/7

Refuse Arrangements

8.18 The Recycling Officer is satisfied with the proposal which involves a shared arrangement with the wider student development. The existing stores are conveniently located in the shared courtyard and have capacity for the waste that the new units will generate.

8.19 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/7 and 7/7.

Highway Safety

8.20 The Highway Engineer has no objection from a highway safety perspective but recommends an informative regarding lack of eligibility of new residents for Parking Permits.

8.21 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Third Party Representations

8.22 The main concern expressed by the representations relate to the impact of the loss of the retail unit on the local centre. I have assessed this in paragraphs 8.2 -8.6.

9.0 CONCLUSION

- 9.1 Although the proposal involves the loss of an A1 unit within a Local Centre contrary to policy 6/7 it is clear from the information provided by the applicant that this unit is not viable for retail use. When assessing the site over the years officers have taken the view that this part of Newnham Road no longer functions as a Local Centre; I share this view. The proposed new unit will form part of the wider student development, removing a vacant unit from the street. While I understand the loss will result in some harm to the character of the Conservation Area I consider that the unit is no longer viable and that the benefits of the proposal outweigh the harm.

10.0 RECOMMENDATION

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. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

3. All new brickwork shall match exactly the historic work nearby in terms of bond, mortar mix design, joint thickness, pointing technique, brick dimension, colour and texture, etc.

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2006, policy 4/11)

4. No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

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

5. Notwithstanding the approved plans finished floor levels should be set no lower than 8.27m above ordnance datum.

Reason: To minimise flood risk in accordance with the National Planning Policy Framework.

6. Prior to commencement of development details of the flood resilient construction employed should be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details prior to occupation of the development.

Reason: To minimise flood risk in accordance with the National Planning Policy Framework.

INFORMATIVE: The residents of the new dwelling will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets. This should be brought to the attention of the applicant, and an appropriate informative added to any Permission that the Planning Authority is minded to issue with regard to this proposal.