

<b>Application Number</b>	17/0493/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	22nd March 2017	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	17th May 2017		
<b>Ward</b>	Romsey		
<b>Site</b>	190-192 Mill Road Cambridge CB1 3LP		
<b>Proposal</b>	Change of Use from Retail (Use Class A1) to Tattoo Parlour (Sui Generis Use)		
<b>Applicant</b>	Mr N Haupt c/o Pure Town Planning		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"><li>- The proposed change of use from a retail unit to a tattoo parlour is not considered to detract from the vitality and viability of the District Centre.</li><li>- The proposal would have no harmful impact on nearby properties in terms of noise and disturbance.</li><li>- No external alterations are proposed and the character and appearance of the Conservation Area would be preserved.</li></ul>
RECOMMENDATION	APPROVAL

## **1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 The application site is comprised of a pair of ground-floor retail units with residential accommodation above. The site is situated on the corner of Mill Road and Cockburn Street. The site is situated within a commercial area along Mill Road with a variety of shops, café/ restaurants and takeaways, all typically with residential accommodation above.

- 1.2 The site falls within the Central Conservation Area and the Mill Road East District Centre.

## **2.0 THE PROPOSAL**

- 2.1 The proposal seeks planning permission for the change of use of the units from retail (A1) to a tattoo parlour (sui generis). The proposed works only include internal alterations and there are no external works proposed.
- 2.2 The application is accompanied by the following supporting information:
1. Design and Access Statement
  2. Drawings

## **3.0 SITE HISTORY**

- 3.1 There is no relevant planning history.

## **4.0 PUBLICITY**

- |     |                        |     |
|-----|------------------------|-----|
| 4.1 | Advertisement:         | No  |
|     | 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
Cambridge Local Plan 2006		3/1 3/4 3/7
		4/11 4/12 4/13
		6/7
		8/2 8/4 8/6 8/10

### 5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95 (Annex A)
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>Area Guidelines</u>  Mill Road Conservation Area Appraisal (2011)

### 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 Control)**

6.1 No objection.

### **Environmental Health Team**

6.2 No objection subject to hours of use condition.

### **Planning Policy Team**

6.3 No comments received.

### **Waste Team**

6.4 No comments received.

6.5 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 owner/occupier of the following address has made a representation:

- No.17 Suez Road

7.2 The representation can be summarised as follows:

- Mill Road cannot support a second tattoo parlour and there are already nine tattoo shops in Cambridge.
- There has been a massive increase in sub-standard tattoo practice which is dangerous to customers.
- A second tattoo studio will have a direct and detrimental influence on established and trusted businesses in the area.

7.3 The above representation is a summary of the comment that has been received. Full details of the representation can be inspected on the application file.

## **8.0 ASSESSMENT**

8.1 From the consultation responses and representation 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. Car and cycle parking
7. Third party representations

### **Principle of development**

8.2 Policy 6/7 of the Cambridge Local Plan (2006) states that in district and local centres, change of use from A1 to other uses will not be permitted. At face value, therefore, the policy indicates that the proposal is unacceptable in principle, as it is a sui generis use not falling within the A use class category.

8.3 Notwithstanding this policy conflict, I am of the view that in this case there are material considerations that indicate policy 6/7 is now out of date. These material considerations are threefold. The first is that the adopted policy is overly rigid in the context of the current national and emerging local planning policy. The second is that emerging policy allows for greater flexibility in the percentage of A1 uses in district centres. The third is that a recent appeal decision confirms the first two considerations.

8.4 In considering the relevant appeal, this was for a change of use from A1 to A5 in an alternative local centre within the city (15/0765/FUL / APP/Q0505/W/15/3137889) where the percentage of A1 uses would have fallen well below the 60% threshold. The inspector allowed the appeal and questioned the merits of the reason for refusal against adopted policy 6/7. The concluding paragraph of this decision is copied below:

*"I therefore conclude that the proposed change of use from Class A1 to Class A5 would not have a detrimental effect on the underlying function of the Hills Road Local Centre to meet day-to-day needs as promoted in both CLP Policy 6/7 and emerging*

*Local Plan Policy 72. For the reasons given I have only attributed little weight to the conflict with the provisions of CLP Policy 6/7 with regards to a numerical proportion of A1 uses. This conflict is outweighed by the lack of tangible harm to the vitality and viability of the Local Centre, the economic benefits identified and the consistency with the emerging Local Plan Policy 72, to which I have ascribed more weight given that it better reflects the flexible approach to uses in town centres (and by association local centres) espoused in the NPPF and PPG. In this way the proposal would be in conformity with paragraphs 14, 23 and 70 of the NPPF. It would also accord with the core planning principle at paragraph 17 of the NPPF to support sustainable economic development.”*

- 8.5 It is a fact that emerging Local Plan (2014) policy 72 is more relaxed than current local planning policy in terms of protecting the percentage of A1 uses in district centres. It states that changes of use from A1 to another centre use will be permitted where the number of properties in A1 use would not fall below 55%. A tattooist is defined as ‘another centre use’ in this emerging policy. Although this policy has outstanding objections to it, it does give a sense of the general travel of planning policy in terms of retail protection and district centres.
- 8.6 The Design and Access Statement makes passing reference to the fact that the units have been vacant for several months despite market conditions being buoyant. However, no evidence of this marketing has been submitted to back up this statement and I am therefore not convinced that the site has been actively marketed for A1 use or that this use is unviable.

### Summary

- 8.7 Notwithstanding the lack of marketing, the tattooist use would have an active frontage onto Mill Road that would add to the general vitality of the District Centre. A tattoo parlour is also recognised in the emerging local plan as a suitable ground-floor use in a district centre. It would bring back into use what is currently a vacant building and would be in keeping with the general thrust of paragraphs 23 and 70 of the National Planning Policy Framework (NPPF) (2012) which supports the promotion of competitive town centres and the viability and viability of these environments. In the relevant Inspector’s decision, as discussed in paragraph 8.2 of this report, it was also concluded

that policy 6/7 of the Cambridge Local Plan (2006) only had little weight when considered against the content of paragraph 215 of the NPPF (2012).

- 8.8 The proposed use as a tattoo parlour would not give rise to any unacceptable levels of odour, noise or littering in terms of its day to day use. There are also no highway safety implications arising from the proposed change of use. The proposal would provide six full-time employees. The council's last shopping survey (2012) shows the percentage of A1 retail units in this District Centre of 75% including vacant A1 uses. The applicant has been asked to provide an up-to-date assessment of the current retail makeup of the District Centre and this will be updated on the amendment sheet accordingly when completed. Whilst a sui-generis use, the applicants have indicated that an ancillary retail element would operate as part of the use, selling mugs, hats, hoodies etc. associated with the tattoo use. I have given this limited weight albeit it confirms the suitability of this type of use as part of a ground floor frontage.
- 8.9 That notwithstanding, the GPDO (2015) has allowed for much more flexibility between the A use classes, to the extent that it is often the case that planning permission is not required for changes for e.g. from A1-A3 where it would have been required before. This has rendered the policy partially incapable of being effective and again points to a conflict between adopted policy, which is 11 years old, and emerging policy/permitted development rights set out in Government guidance.
- 8.10 In light of the current and future direction of travel with regards to retail planning policy, I am of the opinion that the proposed change of use from retail (A1) to a tattoo parlour (sui generis) would not have a harmful impact on the vitality and viability of the Mill Road East District Centre and is acceptable.

#### **Context of site, design and external spaces and impact on heritage assets**

- 8.11 The proposal involves no significant external works to the building. The only change would be the blocking up of the shopfront door at No.190 Mill Road as shown on the floorplans. The design and access statement states that the shop front is proposed to be amended but this will be considered under a separate planning application. The special interest of the

Buildings of Local Interest at Nos. 184 – 186 Mill Road would not be affected and there would be no material impact on the character or appearance of the Conservation Area. An informative has been recommended to make the applicant aware that separate planning permission and/or advert consent may be needed for changes to the shopfront and signage.

- 8.12 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 4/11 and 4/12.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.13 As no external works are proposed, I am confident that no overshadowing, overlooking or visual enclosure would be experienced at neighbouring properties.
- 8.14 No plant work or other means of extraction/ ventilation are proposed and I do not consider any harmful noise or odour would be emitted from the tattooist use.
- 8.15 The premises would have six full-time members of staff and the size and layout of the unit limits the number of customers that would be coming and going to the site. In any case, the site is situated on a busy arterial route into the city and in an area that has a high volume of pedestrian traffic. The hours of use proposed are 10:00 – 18:00hrs Monday to Saturday which is reasonable and would not harm the amenity of residential properties in the local area. A condition has been recommended to control the hours of use accordingly.
- 8.16 In my opinion, subject to condition, 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 and 4/13.

### **Refuse Arrangements**

- 8.17 The existing retail unit has access to the shared rear yard area which leads onto Cockburn Street. I do not anticipate the refuse requirements of a tattoo parlour would be significantly worse than that of two retail units and consider the existing arrangements to be acceptable.



- 8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 4/13.

### **Highway Safety**

- 8.19 The Highway Authority has raised no objection to the proposed works.
- 8.20 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

- 8.21 There is no change to car parking resulting from this proposed change of use. The site is in a highly sustainable location and the lack of car parking accords with the maximum car parking standards of the Local Plan.
- 8.22 No cycle parking is proposed under this application. The existing units do not benefit from any dedicated cycle parking, as is the case with the vast majority of other ground-floor units along Mill Road. The site is constrained and there does not appear to be room to accommodate cycle parking within the site. There are public cycle stands positioned sporadically along this part of Mill Road which would provide some means of cycle parking for staff and customers. Given the constrained nature of the site and its surroundings, I am of the opinion that the lack of dedicated cycle parking is acceptable in this instance.

## **9.0 CONCLUSION**

- 9.1 The proposed change of use is considered acceptable as it would retain an active frontage onto Mill Road and would contribute to the vitality and viability of the District Centre. The proposal would have no material impact on the character or appearance of the Conservation Area and would respect the amenities of nearby residential properties.

## 9.0 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. The premises shall not be open to the public outside of the following hours:

- Monday - Saturday = 10:00 - 18:00 hrs

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

**INFORMATIVE:** No consent is granted or implied for any advertisement or alterations to the shopfront facade which may require planning permission and/or advertisement consent.

**INFORMATIVE:** The applicant is advised to contact The Licensing Team of Environmental Health at Cambridge City Council on telephone number (01223) 457890 or email [Licensing@cambridge.gov.uk](mailto:Licensing@cambridge.gov.uk) for further information. If you offer tattooing, semi-permanent skin colouring, cosmetic piercing, or electrolysis, you must be registered with the council. Apprentices must also be registered. If you work from premises, they must also be registered. Once registered, you will be issued with a certificate of registration.