

<b>Application Number</b>	17/1141/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	4th July 2017	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	29th August 2017		
<b>Ward</b>	Petersfield		
<b>Site</b>	Norfolk Street Deli 67 Norfolk Street Cambridge Cambridgeshire CB1 2LD		
<b>Proposal</b>	Change of use from retail to residential flat including external alterations		
<b>Applicant</b>	Mr And Mrs M Langford Norfolk Street Deli 67 Norfolk Street Cambridge		

SUMMARY	The development fails to accord with the Development Plan for the following reasons: <ul style="list-style-type: none"><li>- The proposed loss of the retail unit would be contrary to policy 6/7 of the Cambridge Local Plan (2006).</li></ul>
RECOMMENDATION	REFUSAL

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

- 1.1 The application site, No.67 Norfolk Street, is comprised of a vacant retail unit situated on the corner of Blossom Street and Norfolk Street. The remainder of the ground-floor and first-floor is used as a flat which has been sub-divided from the shop. There is a small courtyard to the rear of the site which is used as a garden area and has a car parking space. The surrounding area is comprised of a mixture of residential terraced properties and commercial uses, such as a public house, restaurants and shops.
- 1.2 The site falls within the Central Conservation Area, the Controlled Parking Zone, the Air Quality Management Area and the Norfolk Street Local Centre.

## 2.0 THE PROPOSAL

- 2.1 The proposal seeks planning permission for the change of use of the retail unit to a residential flat, including external alterations.
- 2.2 The proposed flat would occupy the same footprint as the existing shop and would be one-bedroom in size. Alterations to the fenestration of windows and doors are proposed on all elevations.
- 2.3 The application is accompanied by the following supporting information:
1. Design and Access Statement
  2. Letter of support
  3. Drawings
- 2.4 Councillor Blencowe has called the application in for determination by Planning Committee in the event that officers are minded to recommend refusal. This is because the planning merits and planning policy considerations are finely balanced and should therefore be determined by members of the Committee.

## 3.0 SITE HISTORY

Reference	Description	Outcome
17/0470/FUL	Change of use from retail to residential flat including external alterations	Withdrawn.
08/1174/FUL C/01/0046	Ground and first floor extension. Variation of condition no. 4 of C/00/0648: Change of opening hours from 08:00 - 19:00 to 08:00 - 22:30.	Withdrawn. Refused.
C/00/0648	Change of use from shop (Class A1) to shop (Class A1) and cafe (Class A3).	Approved.

## 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
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/11 3/12 3/15 4/11 4/13 4/14 5/1 5/2 6/7 8/2 8/6 8/10 10/1

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	Cambridge City Council (May 2007) – Sustainable Design and Construction:  Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)  Cambridge City Council (March 2010) –

	Planning Obligation Strategy
Material Considerations	<u>City Wide Guidance</u> Roof Extensions Design Guide (2003) Cycle Parking Guide for New Residential Developments (2010) Air Quality in Cambridge – Developers Guide (2008) The Cambridge Shopfront Design Guide (1997)  <u>Area Guidelines</u>  Riverside and Stourbridge Common Conservation Area Appraisal (2012)

#### 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, the following policy in the emerging Local Plan should be taken into account:

Policy 72: Development and change of use in district, local and neighbourhood centres

## 6.0 CONSULTATIONS

### **Cambridgeshire County Council (Highways Development Control)**

#### 6.1 No objection, subject to residents parking informative.

## **Urban Design and Conservation team**

6.2 No objection.

## **Planning Policy Team**

6.3 The site is located within a local centre and therefore Policy 6/7 applies which states that a change of use from A1 to other uses will not be permitted unless there are exceptional circumstances. Without evidence of exceptional circumstances the proposal is not compliant with policy 6/7.

## **Environmental Health Team**

6.4 No objection, subject to construction hours condition.

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 Councillor Blencowe has commented on this application.

7.1 The owners/occupiers of the following addresses have made representations in support of the application:

45 Norfolk Street	67 Norfolk Street
67A Norfolk Street	30 Mortlock Avenue

7.2 The representations can be summarised as follows:

- The site is not suitable for a shop due to lack of parking.
- There has been a high turnover of the shop leaseholders.
- Stress caused from chasing rent arrears due to poor shop sales income.
- The City is in need of additional accommodation.
- 65 Norfolk Street has been converted from a shop to a flat.

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
3. Residential amenity
4. Highway safety
5. Car and cycle parking
6. Third party representations

### **Principle of Development**

#### Residential Use

8.2 The provision of extra housing within the city is supported in the Cambridge Local Plan (2006). As policy 5/1 points out, proposals for housing development on windfall sites will be permitted, subject to the existing land use and compatibility with adjoining uses.

8.3 The principle of developing the site for residential purposes is considered acceptable and conforms to the provisions set out in the development plan. However, while residential development is broadly supported, it must comply with considerations such as impact on the appearance of the area and impact on the amenity of neighbouring properties. These, and other relevant issues, are assessed below.

8.4 Policy 5/2 of the Cambridge Local Plan (2006) states that the conversion of non-residential buildings into self-contained dwellings will be permitted except where:

- A) The residential property has a floorspace of less than 110m<sup>2</sup>;
- B) The likely impact upon on-street parking would be unacceptable;
- C) The living accommodation provided would be unsatisfactory;
- D) The proposal would fail to provide for satisfactory refuse bin storage or cycle parking; and
- E) The location of the property or the nature of nearby land uses would not offer a satisfactory level of residential amenity.

A) The residential property has a floorspace of less than 110 square metres

- 8.5 The footprint of the proposed residential unit would be approximately 63m<sup>2</sup> and so in the strictest application of criterion A, the proposal fails to comply with this policy. However, I do not consider it would be reasonable to refuse the application on this basis alone. The proposed unit would be similar to that of other one-bedroom units that have been permitted elsewhere in the City. In addition, although policy 50 of the Emerging Local Plan (2014) has not been formally adopted yet, the proposed unit would exceed that of the proposed space standards set out in this emerging policy. I am of the view that it would therefore be overly rigid and unreasonable to refuse the application for this reason.

B) The likely impact upon on-street parking would be unacceptable

- 8.6 The site is situated in the controlled parking zone and no off-street parking is proposed. The site is sustainable in location and local shops and facilities are within walking distance, including the City Centre and the Grafton Centre to the west. I therefore do not consider that the proposed residential use would be dependent on private car as the main means of travel. Cycle parking has not been demonstrated on the plans but I consider this could be accommodated in the rear courtyard. In my opinion, the impact upon on-street parking would be negligible.

C) The living accommodation provided would be unsatisfactory

- 8.7 The habitable rooms of the proposed dwelling would have acceptable outlooks in my opinion. The lounge would have a private outlook in the form of rear French doors. The windows serving the kitchen and bedroom on the street elevation would have etched glass to provide privacy to these rooms. The majority of terraced properties in the area have habitable windows close to the pavement and I do not consider this relationship to be unacceptable. There would be a rear courtyard area to provide a private outdoor amenity space for the future occupant. The existing side (east) kitchen window of the existing ground-floor flat on the site will need to be obscure

glazed to prevent overlooking of this outdoor amenity space. The Peters Field and Parkers Piece open space areas are within walking distance of the site. The site is also within the Norfolk Street Local Centre and within walking distance of the City Centre.

D) The proposal would fail to provide for satisfactory refuse bin storage or cycle parking

- 8.8 A bin storage area is shown on the plans with a straightforward access onto Blossom Street on collection days. Whilst this is acceptable in principle, further details of where the bins for the existing flat are situated and whether the proposed bin store area has adequate capacity are required. I am content that this can be controlled by way of condition in the event of approval. The application form states that a total of six cycle parking spaces would be provided but it has not been shown where this would be situated or the type of storage. Similar to the refuse arrangements, I am of the opinion that this can be dealt with through a planning condition in the event of approval.

e) The location of the property or the nature of nearby land uses would not offer a satisfactory level of residential amenity.

- 8.9 The site is situated in a residential area and so I do not consider the nearby land uses or site itself would result in an unsatisfactory level of residential amenity for future occupiers of the proposed dwelling.
- 8.10 In my opinion, the principle of residential development in this location is acceptable and in accordance with policies 5/1 and 5/2 of the Local Plan (2006).

Principle of loss of retail unit

- 8.11 The last use of the building was as a retail unit (A1) and the site is situated in the Norfolk Road Local Centre. Policy 6/7 states that in Local Centres the change of use from A1 to other uses will not be permitted. The supporting text also explains that the change of use to other uses, such as residential, will not be permitted unless there are exceptional circumstances.
- 8.12 Policy 72 in the Emerging Local Plan (2014) states that the loss of centre uses at ground floor level to non-centre uses will not

be permitted, unless it is demonstrated that the use is no longer viable. This evidence should take the form of active marketing for at least 12 months, showing that the premises are not reasonably capable of being used or redeveloped for a centre use. The draft policy indicates a direction of travel that is in line with the policies in the NPPF, in that it seeks to maintain a range of centres throughout Cambridge that can meet the day-to-day needs close to where people live and work. Some weight can be attached to the draft policy; however the policy in the existing plan has precedence.

- 8.13 No.65 Norfolk Street, in the same Local Centre, was granted planning permission to change from a retail unit to a flat in 2010 (10/0068/FUL). The reasons committee gave to granting this permission, contrary to officer advice, were because the unit was considered to not relate well to the Local Centre, the unit was considered to be too limited a size for a viable A1 use, because the moving of the use to another vacant unit within the Centre meant that there was no diminution of the range of provision within the centre, and because of these reasons the proposal was considered to be not harmful to the central ambition of the policy or the particular Local Centre in this particular case.
- 8.14 No.36 Newnham Road, in Newnham Road Local Centre, was granted planning permission to change from retail to student accommodation in 2016 (16/0317/FUL). The applicant actively marketed this site on two occasions and was unable to find an occupier, the applicant also argued that changes to this Local Centre meant that the western side of the Centre faced a number of problems and didn't 'work as a centre'. The committee report accepted that it had been demonstrated that the unit is unsuitable for retail use.
- 8.15 Policy 6/7 in the existing Local Plan does not allow the loss of A1 uses to non-A uses, unless there are exceptional circumstances. Policy 72 in the draft Local Plan allows the loss of Centre uses at ground floor level if the unit is no longer viable, as demonstrated by a marketing campaign of at least 12 months. There is no evidence of attempts having been made to find an occupier for the unit or to demonstrate what exceptional circumstances exist to justify the change of use.

- 8.16 No.65 Norfolk Street, opposite the application site and in the same Centre, was granted permission to change from a retail unit to a flat in 2010. However, this case differs sufficiently from that one, and it does not necessarily follow that this proposal should be allowed as well. The unit is marginally larger (50 sqm net tradeable area compared to 32 sqm). No.67 Norfolk Street being the other side of the road is closer to the central part of the Centre and is opposite the main parade of shops. It is not claimed that the use is moving to another part of the same Centre, therefore there will be a diminution of the range of provision within the centre.
- 8.17 Furthermore, since 2010, the Council has submitted a new Local Plan to the Secretary of State. This emerging Local Plan proposes an amendment to the Norfolk Street Local Centre; these changes were to include Nos.47 - 51 and Nos.5 - 17 Norfolk Street within the Local Centre. There were no objections to these proposed changes. These units are all to the west of the proposal site, and means that the focus of the Centre, as proposed, swings somewhat towards the west. This would mean that No 67 Norfolk Street would be even less peripheral to the Centre.
- 8.18 The applicants for No.36 Newnham Road submitted significant evidence regarding the unsuccessful marketing exercises they had undertaken and on changes to the Newnham Road Local Centre. No similar evidence has been submitted with this application.
- 8.19 Overall, I am of the opinion that exceptional circumstances have not been demonstrated to allow the loss of this A1 unit to a non-A use, and the proposal is contrary to policy 6/7 of the Local Plan 2006.

### **Context of site, design and external spaces**

- 8.20 The proposed alterations to the shop frontage are considered to be acceptable by the Urban Design and Conservation Team. I agree with this advice and consider the proposed works to preserve the character and appearance of the Conservation Area.
- 8.21 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/15 and 4/11.

## **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.22 The proposed alterations to the fenestration of the building would not introduce any harmful overlooking towards neighbours. The use of the building as a residential flat would not introduce any adverse noise or disturbance to neighbours as the site is situated in a residential area and there is already a residential flat on-site.
- 8.23 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, 4/13 and 5/2.

## **Highway Safety**

- 8.24 No works to the public highway are proposed and the Highway Authority has raised no objection to the application.
- 8.25 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

## **Car and Cycle Parking**

- 8.26 Car parking has been addressed in paragraph 8.6 of this report.
- 8.27 Cycle parking has been addressed in paragraph 8.8 of this report.
- 8.28 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

## **Third Party Representations**

- 8.29 The third party representations have been addressed in the table below:

<u>Comment</u>	<u>Response</u>
- The site is not suitable for a shop due to lack of parking.	The site is situated in a sustainable location and car
- There has been a high	parking is not considered

turnover of the shop leaseholders. - Stress caused from chasing rent arrears due to poor shop sales income. - The City is in need of additional accommodation. - 65 Norfolk Street has been converted from a shop to a flat.	necessary for a retail unit to be viable in this location.
There has been a high turnover of the shop leaseholders.	The premises have not been vacant for an extended period of time and no marketing information has been submitted to accompany this application.
Stress caused from chasing rent arrears due to poor shop sales income.	This is a civil/ legal matter and not a planning consideration.
The City is in need of additional accommodation.	The principle of residential development is supported.
65 Norfolk Street has been converted from a shop to a flat.	This has been addressed in paragraphs 8.13 and 8.16 of this report.

## 9.0 Conclusion

- 9.1 The principle of residential development is considered to be acceptable and in accordance with planning policy. The proposal would provide an acceptable living environment for future occupants, subject to conditions, and would respect the amenity of neighbours in the surrounding area.
- 9.2 However, the application site is located within a Local Centre and the proposal involves the loss of an A1 unit. The A1 unit makes a contribution to the vitality and viability of the Local Centre to help meet the day-to-day needs of local residents. The applicant has failed to demonstrate exceptional circumstances to justify the loss of the A1 unit. In the absence of any information to demonstrate exceptional circumstances for the loss of the A1 unit the proposal is contrary to policy 6/7 of the Cambridge Local Plan (2006).

## 10.0 RECOMMENDATION

**REFUSE** for the following reasons:

1. The application site is located within a Local Centre and the proposal involves the loss of an A1 unit. The A1 unit makes a contribution to the vitality and viability of the Local Centre to help meet the day-to-day needs of local residents. The applicant has failed to demonstrate exceptional circumstances to justify the loss of the A1 unit. In the absence of any information to demonstrate exceptional circumstances for the loss of the A1 unit the proposal is contrary to policy 6/7 of the Cambridge Local Plan (2006).