

Application Number	17/2078/FUL	Agenda Item	
Date Received	7th December 2017	Officer	Mary Collins
Target Date	1st February 2018		
Ward	Petersfield		
Site	67 Norfolk Street Cambridge CB1 2LD		
Proposal	Change of use from retail to residential flat including external alterations		
Applicant	Mr & Mrs M. Langford 67, Norfolk Street Cambridge CB1 2LD		

SUMMARY	The development does not accord with the Development Plan for the following reasons: Officers consider the proposed loss of this Class A1 retail unit would harm the vitality and viability of the Local Centre. The applicants have failed to demonstrate exceptional circumstances to justify the loss of the unit contrary to Policy 6/7 of the Cambridge Local Plan (2006). The conversion of 67 Norfolk Street from retail to residential would further fragment the unique character and identity of this Local Centre and therefore would not be in compliance with the Grafton Area of Major Change - Masterplan and Guidance SPD (2018) or National Planning Policy Guidance (2012).
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 Mill Road area of the Central Conservation Area, the Controlled Parking Zone and the Air Quality Management Area. The application site is located within the Norfolk Street Local Centre and is in close proximity to the Grafton Shopping Centre and to the Burleigh Street Primary Shopping Frontage.

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 residential unit would occupy the same footprint as the existing shop and would be one-bedroom in size. It would have an approximate floor area of 60m². Alterations to the fenestration of windows and doors are proposed on all elevations.
- 2.3 A previous planning application reference 17/1141/FUL was refused at planning committee on 11th August 2017 for the following reason:

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).

- 2.4 This application differs from the previously refused submission by being accompanied by a Viability Appraisal.
- 2.5 The application is accompanied by the following supporting information:
1. Design and Access Statement
 2. Letter of support
 3. Drawings
 4. Viability Appraisal

Summary of the applicant's Viability Appraisal

Physical appearance

Although located on a corner plot, the property suffers from a lack of retail presence due to its "residential" style frontage/appearance with a corner timber front door and small traditional timber windows on both aspects. Neither provide good visibility through to the interior which is an essential ingredient of a retail operation to entice potential customers.

In order to provide a better retail offer the property needs external redesign to provide large retail picture windows on both frontages and a new glazed entrance door. The unit is also on the small side for modern retail purposes, particularly to allow sufficient stock to be displayed/stored and internal works would be required to address particular issues.

The estimated costs for bringing the property up to the required standard is £31,570 + VAT. These costs do not make economic sense in the light of likely rental returns.

In addition, planning permission would be required for these works which is a fundamental issue along with the economic one.

Location/ Retail Offer

This Local Centre is one of 28 District & Local Centres within Cambridge City. The majority of these Centres are located on main arterial roads in and out of the City Centre, whereas the likes of Norfolk St, Napier St/Cobblers Yard, Grantchester St, Newnham and to a lesser extent Chesterton and Wulfstan Way,

are more destination locations. However, only Norfolk St and Napier St suffer from poor access and visibility the others having ready prominence to the main city road network. Norfolk St relies solely on the local population as does Napier St, although the latter does benefit from a Post Office and its location is immediately adjacent to the Grafton Centre. However, Napier St has suffered from a lack of trade with prolonged vacant periods and numerous changes of occupiers and consequently over half the shops/business units have been converted to residential.

If this Local Centre is compared with similar Centres such as Grantchester St, Newnham then the contrast is stark, as the latter provides a significantly more diverse range of retail shops. The Co-op supermarket, butcher, chemist, Post Office and Red Bull Pub cater for the local population as well as, in the case of the butcher, a wider customer population. In addition, the Newnham centre does not suffer from the same parking issues with fewer restrictions.

Historically Norfolk St had a Post Office, butcher, green grocer and a number of pubs including the Swan at No 77, Prince of Wales at No 105 (corner of Gwydir St) and Norfolk Arms at no 56 (now demolished). However, the redevelopment of the St Matthews St/Norfolk St/East Rd block for residential use has limited the scope to expand the retail base and Tesco on East Rd, Sainsbury's on Mill Rd and the Asda/M&S in the nearby Beehive Centre now cater for the more modern retailing trends of larger weekly shops carried out by car.

The Post Office at the junction of Norfolk St and Gwydir St closed over 10 years ago and the Norfolk St Local Centre does not have a significant trade generator, the closest Post Offices being Napier St, Mill Rd or Newmarket Rd. Whilst there is metered public parking it is limited to 2 hours.

Norfolk St is evidently not considered to be a viable location for those outlets who are highly specialised/high worth/well known retailers nor can it rely on passing trade, either pedestrian or vehicular. It has to rely solely on the local resident population or lunch time trade from local offices/businesses/students, but unfortunately this location suffers due to a number of factors: -

- Competition from Tesco/Sainsburys on East Rd/Mill Rd and others in the Beehive Centre
- Modern retail habits towards large weekly shops with the daily back up need catered for by Tesco and Sainsburys
- Online promotion by larger retailers
- Poor mix and lack of depth of retail offer
- Poor traffic access/visibility and congestion at school times
- Lack of long term car parking
- The Blue Moon pub which is not seen as a benefit to the local community, frequently attracting rowdy behaviour. It is also not open at lunchtimes.

The subject unit has experienced a considerable turnover of occupants over the last 20 years and this is mirrored in Norfolk St, with No. 61 Norfolk St, last occupied by B Kitchen but in the recent past has been home to the likes of Tony's Golden Palace, New Times and Cook For You. The units within the newer Parade at 4-24 Norfolk St have also seen a number of changes with retailers such as Drum & Guitar and Curtain Exchange having proved financially unviable.

Traffic Flow/poor visibility

Norfolk St suffers from poor access from East Rd and limited visibility to passing traffic. Norfolk St is effectively a one-way street exacerbated by the provision of both residents and on-street metered car parking along both sides. The Street becomes very congested at school drop off and pick up times with double parking on yellow lines and thereby severely limiting customer access, retail servicing, loading and unloading.

Poor parking and access in general restrict the time available for service delivery and customer visits which in turn means that all retailers rely heavily on pedestrian custom from the immediate local population. This is a major issue given the competition for trade in the Petersfield Area, and in addition, the barriers on Gwydir St and Sturton St prohibit both customer and servicing access from the larger Mill Rd population. Norfolk St suffers from a lot of dead retail frontages with all of the northern side from East Rd to the Blue Moon being totally residential. Historically this corner of East Rd had retail shops which, along with the southern corner, helped provide a retail mass and entice shoppers to visit Norfolk St.

Cambridge Market

The Cambridge market remains reasonably buoyant, particularly for the good secondary locations within the tourist areas of the City Centre. However, shops in the more tertiary/main road locations have not been easy to let, as shown by the long vacancy period of the former Estate Agency premises at 28 Hills Rd which after a lengthy marketing campaign of 18 months eventually found a new tenant, an Artisan bakery. Availability in the main Local/District centres remains low with a double unit on Cherry Hinton Rd, several shops on Mill Rd and Mitcham's Corner amongst the small number of units being available. This contrasts with Norfolk St which has a larger than average percentage of closed/dead retail frontages. Mill Rd is a prime example of a successful Local Centre with a wide variety of retail trades and a good take up of units albeit this has been limited to A3/A5, bakeries and tattoo shops.

The report notes properties in locations such as King St, Magdalene St, Mill Rd, Chesterton Rd, Hills Rd and Newmarket Rd all of which have struggled to secure long term established tenants and have a high turnover of retailers. Demand for shops in Cambridge and the surrounding areas remains reasonably good although reduction has been experienced over the last 6-9 months with 15% less new registrations for retail premises. The principal areas of interest for this type of location come from the following uses but each of these would struggle in Norfolk St for the reasons shown: -

Hairdressers: Significant representation in Norfolk St and Burleigh St

Betting shops: No demand due to lack of visibility/passing trade
A3/A5 Not suitable given residence above and behind

Bakery: Already represented in Norfolk St

Delicatessen/Artisan: Evidently not viable

This unit could be marketed but history and experience shows that whilst this may generate interest it is likely only to come from start-ups/small independent retailers with little proven track record. They will require significant support in terms of incentives, initial rent free and discounted rents and even then, their occupation is likely only be short term. When set against

the considerable up-front capital building costs this level of uncertainty makes little financial sense.

Rent/leases

The property is of a size and location that it is best let on a flexible annual licence with rent paid monthly in advance. Experience shows that retailers need a minimum 6 month lead-in period preferably rent free to understand the viability of the retail operation. This means that there is a very real possibility of abortive lease/licence set up costs. Short term leases are not popular with landlords as they provide uncertain income streams and frequent and expensive administration but as has been shown by the occupancy list, short term occupation is very much the norm here.

Summary of Viability factors

The authors of the report are of the opinion that the following matters should be taken into account when assessing the viability of the property for retail purposes:-

1) The cost and likelihood of planning consent for the required improvements.

Total costs estimated at £31,570 + VAT. In addition, the property is located in a Conservation Area and external alterations are unlikely to be approved.

2) Rental value is low in comparison to the above costs. Best rental value is £5,500 per annum/£500 per month.

3) Only short-term leases and/or licences. 10 occupiers over last 17 years

4) Costs and administrative difficulties in constant re-letting

5) Retail demand for shops in this location is low

6) Generating sufficient retail trade from this unit has proven to be impossible. Two of the previous retailers have provided written evidence of trading from this unit.

7) This is not a typical Local Centre as it is without a significant generator and has little passing traffic. Local Centres tend to be

anchored by a generator such as a local convenience store and sub-Post Office. The majority of Cambridge Local Centres are located on busy main roads. The local pub doesn't attract community trade and is not open at lunch time.

8) The Post Office is not looking for a unit in this location. The Post Office published requirements for Cambridge are limited solely to the CB2 area. Post Offices now tend to be set up within an established business, such as a convenience store.

9) Excessive competition close-by in East Rd, Burleigh St and Mill Rd. Sainsburys on Mill Rd, Tesco on East Rd and the competing uses such as hairdressers on Burleigh St mean little appetite for Norfolk St.

10) Traffic congestion and poor car parking. The location is served by one main access and egress and is effectively a one-way system. This causes congestion at the start and end of each day and provides no attraction for local passing trade off East Rd. Public car parking is poor and short term.

11) Local residents' concern about viability of property for retail purposes and chronic need for more housing. The report does not suggest that the unit would not find a tenant but experience shows that the works required to bring this property up to an acceptable standard are expensive and such expenditure cannot be justified in the light of uncertain tenant demand. Retail set-up costs are significant and lack of significant retail trade/custom means that retailing from this unit is not commercially viable in the medium/long term. A marketing campaign may produce a potential tenant but this will not be for the long term with experience showing that the retail business will fail as every other one has in the past.

The Viability report considers that, in this instance, the emerging policy approach requiring that viability should be tested through active marketing for a period of at least 12 months would be disproportionate as the report has demonstrated that a retail use at the site is not viable, with little prospect of it becoming so in the near future.

The report concludes that exceptional circumstances have been demonstrated.

3.0 SITE HISTORY

Reference	Description	Outcome
17/1141/FUL	Change of use from retail to residential flat including external alterations	Refused 11.08.2017
17/0470/FUL	Change of use from retail to residential flat including external alterations	Withdrawn.
08/1174/FUL	Ground and first floor extension.	Withdrawn.
C/01/0046	Variation of condition no. 4 of C/00/0648: Change of opening hours from 08:00 - 19:00 to 08:00 - 22:30.	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

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)

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

The key local plan policies and planning guidance are:

Cambridge Local Plan 2006	6/7
Key SPD and guidance	Appendix K of the Cambridge Local Plan 2014: Proposed Submission: Marketing, local needs assessment and viability appraisal
	Grafton Area of Major Change - Masterplan and Guidance SPD (2018) Consultation on the redevelopment of the Grafton Area of Major Change - Masterplan and Guidance SPD took place for six weeks between 9 am on 25 September to 5pm on 6 November 2017. The SPD was approved at Development Plan Scrutiny Sub Committee 13 February 2018

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

This site is within the Mill Road area of the Central Conservation Area

A previous application for this site, 17/0470/FUL, was not supported by the Conservation Team due to the external changes to the building. That application was withdrawn.

A subsequent application, 17/1141/FUL, was supported by the Conservation Team

The plans submitted for this application are the same as those for the 17/1141/FUL application which was supported. Therefore the Conservation comments are the same as for that application and are replicated below:

'The new proposals for this site have taken into consideration comments made on the previous scheme. As such the external appearance of the building on both Blossom Street and Norfolk Street will only be changed by the use of obscured glass in the existing windows and doors. The small extension to the rear will not be clearly visible and uses the same materials as existing. The proposals are acceptable as they will preserve the character and appearance of the conservation area.'

Planning Policy Team

- 6.3 The development proposed is unacceptable and should be refused for the reasons set out below:

National Planning Practice Guidance

Paragraph: 001 Ensuring the vitality of town centres (Reference ID: 2b-001-20140306) of the National Planning Policy Guidance Notes that:

“Local planning authorities should plan positively, to support town centres to generate local employment, promote beneficial competition within and between town centres, and create attractive, diverse places where people want to live, visit and work.”

Grafton Area of Major Change - Masterplan and Guidance SPD

The application site is located within a Local Centre and is in close proximity of the Grafton Shopping Centre.

Consultation on the redevelopment of the Grafton Area of Major Change - Masterplan and Guidance SPD took place for six weeks between 9 am on 25 September to 5pm on 6 November 2017. The SPD was approved at Development Plan Scrutiny Sub Committee 13 February 2018 and will be a material consideration in the determination of planning applications.

Paragraph 2.4.10 of the SPD states that:

“One of the key recommendations of particular relevance to this SPD will include preserving and enhancing the unique character of Norfolk Street which continues across East Road from Burleigh Street.”

The interaction of Norfolk Street Local Centre and the Grafton area is vital to the vitality and vibrancy of the area, paragraph 4.4.26 of the SPD requires that as part of any potential redevelopment of the Grafton Area, key development principles along East road should include improved pedestrian crossing and connection to Norfolk Street. This will assist with the revitalisation of the Eastern edge of the Grafton area and allow for a more comprehensive redevelopment and revitalisation of the area.

It also should be noted that Policy 11: Fitzroy/Burleigh Street/ Grafton Area of Major Change of the emerging Local Plan has been identified as the first priority for comparison retail in sequential terms and the Council's City Centre Capacity Study 2013 identified it as an area of potential change. The area is distinct from the historic core and has an important role to play as an everyday, family destination. Substantial long-term investment in this area will complement the retail offer on Norfolk Street and East Road which will in turn benefit from the increased investment in the surrounding area that will provide opportunities for public realm and streetscape improvements as well as enhanced footfall improved vitality and viability of the area.

Policy 6/7 Shopping Development and Change of Use in District and Local Centres

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).

Policy 6/7 states that the change of use to other uses such as residential or other commercial uses such as offices will not be permitted unless there are exceptional circumstances.

It is recommended that a survey of the units in the Local Centre showing the percentage of A1 units (as measured against all units in the A use class including the last known use of any vacant properties), both before the development takes place and after should be undertaken to determine if the proposal is compliant Policy 6/7 Shopping Development and Change of Use in District and Local Centres. However, it should be noted that the removal of an A1 retail unit would not be in compliance with Policy 6/7.

This revised application is accompanied by a Viability Appraisal but no marketing information has been provided. The viability Appraisal does not prove that a retail unit is not needed or that investors are not prepared to take on the property for retail purposes. Evidence to justify exceptional circumstances would include proof that the site has been realistically marketed for a period of 12 months for retail uses (within the A use class), including the option for potential modernisation for retail uses and that no future occupiers have been found.

Conclusion

The conversion of 67 Norfolk Street from retail to residential would further fragment the unique character and identity of this Local Centre and therefore would not be in compliance with the Grafton Area of Major Change - Masterplan and Guidance SPD or National Planning Policy Guidance, which requires that Local planning authorities should plan positively, to support town centres to generate local employment, promote beneficial competition within and between town centres, and create attractive, diverse places where people want to live, visit and work.

The application does not demonstrate compliance with Policy 6/7 of the Cambridge Local Plan and is therefore not considered acceptable.

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

30 Mortlock Avenue
Allia Future Business Centre - Central, 47-51 Norfolk Street, Cambridge CB1 2LD

The owners/occupiers of the following addresses have made representations objecting to the application:

18 Norfolk Terrace, Cambridge, Cambridgeshire CB1 2NG
Camcycle- The Bike Depot, 140 Cowley Road, Cambridge CB4 0DL

- 7.2 The representations can be summarised as follows:

Support

Has known applicant for past twenty years and in that time shop in retail use, tenant after tenant but on each occasion there were no profits to be had. This was stressful for applicants and tenants who came and went with rents unpaid, early tenancy endings and renewal of new ones. Conversion to residential premises would benefit the area and the applicant, so much better than a non-profit making establishment.

Support the use as residential; it seems to me that more residential use meets a known demand whereas retail use seems surplus to requirements. Our understanding is that on termination of our own tenancy at 47-51 Norfolk Street the desire may be for a change of use here to residential too - a gradual shift in emphasis from retail to residential at this part of the district therefore seems a consistent reflection of local trends.

Objection

This is one of the last remaining attractive shops in the neighbourhood. It has always been well supported by the neighbourhood and will be a loss of another facility

This area is already one of the most highly populated in Cambridge. It is conceivable that we have reached saturation point for family homes being turned into flats. Flats of course attract student who are a shifting population not often interested in the community or its upkeep or development.

Parking is a huge issue in the area and although there are only plans to issue visitors parking this does add to the congested streets. Residents are also aware that flats often attract landlords who are indulging in air B&B, issuing their tenants with visitors parking permits which is illegal but un-policeable also.

The plan lacks cycle parking. Local policy requires the provision of secure and covered cycle parking for residential use. We ask that the applicants submit a design that at least meets city cycle parking standards.

- 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:

- Principle of loss of retail unit and use as a dwelling
- Context of site, design and external spaces
- Residential amenity
- Highway safety
- Car and cycle parking

Principle of loss of retail unit and use as a dwelling

- 8.2 The last use of the building was as a retail unit (A1) and the site is situated in the Norfolk Road Local Centre and is in close proximity to the Grafton Shopping Centre.

- 8.3 Paragraph 2.4.10 of The Grafton Area of Major Change - Masterplan and Guidance SPD states that:

“One of the key recommendations of particular relevance to this SPD will include preserving and enhancing the unique character of Norfolk Street which continues across East Road from Burleigh Street.”

- 8.4 The interaction of Norfolk Street Local Centre and the Grafton area is vital to the vitality and vibrancy of the area, paragraph 4.4.26 of the SPD requires that as part of any potential redevelopment of the Grafton Area, key development principles along East road should include improved pedestrian crossing and connection to Norfolk Street. This will assist with the revitalisation of the Eastern edge of the Grafton area and allow for a more comprehensive redevelopment and revitalisation of the area.
- 8.5 It also should be noted that Policy 11: Fitzroy/Burleigh Street/ Grafton Area of Major Change of the emerging Local Plan has been identified as the first priority for comparison retail in sequential terms and the Council's City Centre Capacity Study 2013 identified it as an area of potential change. The area is distinct from the historic core and has an important role to play as an everyday, family destination. Substantial long-term investment in this area will complement the retail offer on Norfolk Street and East Road which will in turn benefit from the increased investment in the surrounding area that will provide opportunities for public realm and streetscape improvements as well as enhanced footfall improved vitality and viability of the area.

Policy 6/7 Shopping Development and Change of Use in District and Local Centres

- 8.6 Policy 6/7 states:

Additional development within classes A1, A2, A3, A4 and A5 will be permitted in District and Local Centres if it will serve the local community and is of an appropriate nature and scale to the centre. Change of use from A1 to A2, A3, A4 or A5 in District and Local Centres will only be permitted provided the percentage of A1 uses does not fall below 60% (measured by

number of units). Change of use from A1 to other uses will not be permitted.

The A1 unit is currently vacant but this should not have a bearing on any consideration of the contribution the unit makes to the Local Centre. The unit when occupied makes a contribution to the vitality and viability of the Local Centre to help meet the day-to-day needs of local residents.

- 8.7 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 takes precedence.
- 8.8 Policy 6/7 in the existing Local Plan does not allow the loss of A1 uses to non-A class uses. The text to the policy states that changes of use will not be permitted 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.
- 8.9 There is no evidence of attempts having been made to find an occupier for the unit however the applicants have set out their exceptional circumstances to justify the change of use in the accompanying Viability Appraisal and covering letter.

Assessment of the supporting documents (Viability Appraisal and covering letter)

- 8.10 The applicant has provided information appraising the viability of the existing shop unit but this has not been backed up with any evidence of marketing of the property which would give an evidenced indication of how the market and prospective users view the viability of the location and/or the size and appearance of the unit. Marketing for even a relative short period of six

months would provide information on the interest and potential demand for the unit through the number of enquiries and viewings. This interest could be collated through feedback from viewers to the estate agents and possible barriers to viability identified.

- 8.11 It is acknowledged that landlords may experience a constant battle to maintain a reasonable level of occupancy and reduction of rental voids/non-payment however this should not be a reason to lose this shop unit. Whether the premises are viable or not is not determined by the personal circumstances of the applicants but is the response and measured opinion of the market. If the property does not secure adequate income through rents, this does not necessarily indicate the property is unviable. Viability is not a personal factor.
- 8.12 It is considered by Officers that the shop unit is situated in a viable location and although it may not be easily accessible by car through parking restrictions and limited access from East Road, it is accessible by foot and is to the east and in close proximity to the Grafton shopping centre and other city centre pedestrian shopping precincts. Although being in close proximity to these existing high footfall shopping precincts may provide competition equally this proximity could help stimulate competition and provide a reason to visit retail premises in this adjoining local centre.
- 8.13 Substantial long-term investment in the Fitzroy/Burleigh Street/ Grafton Area of Major change will complement the retail offer on Norfolk Street and East Road which will in turn benefit from the increased investment in the surrounding area that will provide opportunities for public realm and streetscape improvements as well as enhanced footfall improved vitality and viability of the area.
- 8.14 The shop unit is sited on the back edge of the pavement and has a visible presence on the street frontage and corner plot. The residential appearance of the shop is not considered to be a negative factor as this adds to local distinctiveness and appropriate shop signage would direct customers towards the shop unit.
- 8.15 The applicant considers the Viability Appraisal has demonstrated that a retail use at the site is not viable, with little

prospect of it becoming so in the near future and that exceptional circumstances have been demonstrated and that in this instance the requirement to test the viability through active marketing is considered to be disproportionate.

- 8.16 It is considered by Officers that the Viability Appraisal goes some way to understanding the current viability and attractiveness of the shop unit in terms of location, appearance and size and problems associated in trying to find potential lessees. However, it is considered by Officers that without the supporting evidence including proof that the property has been realistically marketed for a period of at least 6 months, that there is no indication that the size, location and appearance etc. of the shop unit are barriers to prospective occupiers and as such it cannot be discounted that future occupiers would not be found. Indeed the appraisal states that future occupiers may be found.
- 8.17 Officers do not consider the applicants have provided sufficient evidence to demonstrate that exceptional circumstances would justify the loss of the A1 unit contrary to Policy 6/7 of the Cambridge Local Plan (2006).

Other considerations

- 8.18 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 for granting this permission, contrary to officer advice, were because the unit was considered not to relate well to the Local Centre. It 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 not to be harmful to the central ambition of the policy or the particular Local Centre in this particular case.
- 8.19 No.65 Norfolk Street is opposite the application site and in the same Centre. This case differs from no. 65 and it does not necessarily follow that a precedent has been set. The unit at no. 67 is larger (50sq m net tradeable area compared to 32 sqm) at no. 65. 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. The use is not moving to another

part of the same Centre, therefore there will be a diminution of the range of provision within the centre.

- 8.20 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 mean that the focus of the Centre, as proposed, swings somewhat towards the west. This would mean that No 67 Norfolk Street would be less peripheral to the Centre.
- 8.21 The conversion of 67 Norfolk Street from retail to residential would further fragment the unique character and identity of this Local Centre and therefore would not be in compliance with the Grafton Area of Major Change - Masterplan and Guidance SPD or National Planning Policy Guidance, which requires that Local planning authorities should plan positively to support town centres to generate local employment, promote beneficial competition within and between town centres, and create attractive, diverse places where people want to live, visit and work.
- 8.22 Overall, I am of the opinion that there is a lack of substantive evidence and exceptional circumstances have not been demonstrated to justify the loss of this A1 unit to a non-A class use, and as such the proposal is contrary to policy 6/7 of the Local Plan 2006.

Residential Use

- 8.23 The provision of extra housing within the city is supported in the Cambridge Local Plan (2006) 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. In this case the existing land use – being retail and the fact that it is continued within the local centre means that policy 6/7 is engaged.
- 8.24 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 110m²;
- 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

- 8.25 The floorspace of the proposed residential unit would be approximately 60m². Although policy 50 of the Emerging Local Plan (2014) has not been formally adopted the proposed unit would exceed the minimum space standards set out in this emerging policy for a one-bedroom dwelling as well as the minimum space standard set out in the Technical Housing Standards – Nationally Described Space Standard. The proposal is considered to provide sufficient internal space and a high quality living environment.

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

- 8.26 The site is situated in the controlled parking zone and no off-street parking is proposed. The site is in a sustainable 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 use 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

- 8.27 The habitable rooms of the proposed dwelling would have acceptable outlooks. 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 obscured 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 and overlooking from this space into the flat. The Petersfield 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

- 8.28 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. If Members are minded to approve the application a condition could be recommended to require details of the refuse layout. 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 could be dealt with through a planning condition.

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

- 8.29 The site is situated in a largely 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.
- 8.30 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).

Context of site, design and external spaces

- 8.31 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 would

preserve the character and appearance of the Conservation Area.

- 8.32 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

- 8.33 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. Privacy in the existing flat could be maintained by the insertion of an obscure glazed window to the kitchen as referred to above.
- 8.34 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

- 8.35 No works to the public highway are proposed and the Highway Authority has raised no objection to the application.

Car and Cycle Parking

- 8.36 Cycle parking has not been demonstrated on the plans but I consider this could be accommodated in the rear courtyard and should Members be minded to approve the application a planning condition to control the details of this could be recommended.

9.0 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 sufficient 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).
2. The application site is within close proximity to the Grafton Centre and the conversion of 67 Norfolk Street from retail to residential would further fragment the unique character and identity of this Local Centre and therefore would not be in compliance with the Grafton Area of Major Change - Masterplan and Guidance SPD (2018) or National Planning Policy Guidance 2012, which requires that Local planning authorities should plan positively, to support town centres to generate local employment, promote beneficial competition within and between town centres, and create attractive, diverse places where people want to live, visit and work.