

<b>Application Number</b>	17/2231/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	28th December 2017	<b>Officer</b>	Rob Brereton
<b>Target Date</b>	22nd February 2018		
<b>Ward</b>	Petersfield		
<b>Site</b>	92 Norfolk Street Cambridge CB1 2LF		
<b>Proposal</b>	Rear roof extension to incorporate two dormer windows, alterations to the front façade and change of use of ground floor to provide two self-contained flats.		
<b>Applicant</b>	Mr And Mrs Patel C/o Agent		

<b>SUMMARY</b>	The development does not accord with the Development Plan for the following reasons:
	<ul style="list-style-type: none"><li>• Officers consider the proposed loss of this 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).</li><li>• The application fails to consider the unit in the context of the Council's approved Grafton Area of Major Change - Masterplan and Guidance SPD which may enhance the viability of the unit.</li><li>• The proposed upper floor flat will have no access to external amenity space or adequate access to a bin store and would fail to provide a high quality living environment for future occupants.</li></ul>
<b>RECOMMENDATION</b>	REFUSAL

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

- 1.1 No. 92 is a two storey end-of terrace building on the northern side of Norfolk Street. The ground floor is currently in retail use (Class A1) and used as a newsagents. On the upper floors there is a 4 bedroom House in Multiple Occupation (small HMO Class C4). The shop has a modern uPVC shop front and the brickwork of the building has been painted white.
- 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 Rear roof extension to incorporate two dormer windows, alterations to the front façade and change of use of ground floor to provide two self-contained flats.
- 2.2 One two bedroom flat is proposed for the ground floor and another two bedroom flat is proposed within the first floor and roof extension. Works proposed to the front façade include removing the shopfront and inserting a new front door and ground floor window. The upper floor flat is proposed to have no outdoor amenity space and the ground floor flat is proposed to use the existing rear garden which is approximately 32 sq. m in area.
- 2.3 This application as originally submitted included a part single, part two storey rear extension. The application has been amended to exclude these. The locations of the proposed openings on the ground of the front façade have also been altered when compared to the originally submitted proposal.
- 2.4 The application is accompanied by the following supporting information:
1. Correspondence from letting agents including:
    - OneClickCommercial.co.uk
    - Hilton Smythe
    - E M & F Group

- Carter Jonas
  - Kings Business Transfer
  - Robinson Layer
2. A cover letter
  3. Plans
  4. Agents response to third parties
  5. Amended plans

### **Summary of the applicant's supporting statement**

- 2.5 The applicant and agent contacted several commercial agents in relation to potential marketing and likely rental values of the ground floor retail unit. These included Hilton Smythe, E M & F Group, Carter Jonas, Kings Business Transfer, Christie & Co. and Robinson Layer. The responses gave likely rental yields and quoted for undertaking a marketing exercise. The planning agent believes from the figures provided that a continued retail use will not provide a sufficient return for his client. No formal marketing was taken up as a result. The agent states that the applicants are not in a position to sell this retail unit as they own the four bedroom HMO above and the revenue from both is their only source of income. The agent also states that the HMO rental income cross subsidises the retail unit.
- 2.6 One commercial agent has informally marketed the retail unit. 'One Click Commercial' outlined their marketing campaign in a brief letter dated 30<sup>th</sup> November 2017. They advertised the unit for a 6 month period and stated there were no enquires. They gave the reasons for this as follows:
1. The turnover of the existing shop was very low.
  2. The property is not close to district centre and therefore footfall is low.
  3. There is extensive competition in the area with Tesco Express on East Road, other budget stores at the Beehive Centre and the parade of shops which includes a convenience store on Norfolk Street.

They concluded that a change of use from retail to residential would secure a higher return than a commercial tenant. The agent believes that there is no benefit to undertaking a formal marketing campaign stating the following:

*I do not believe that a formal marketing campaign over a number of months would bring in any result which would materially differ from the advice provided by all of these experienced local commercial agents and the marketing exercise undertaken by One Click.*

The agent adds that the area of the unit at circa 45 sq. metres is not large enough to allow a retail business to be viable and concluded that his assessment amounts to exceptional circumstances that would justify the change of use.

### 3.0 SITE HISTORY

Reference	Description	Outcome
09/0846/FUL	Installation of single VSAT satellite dish to side (west wall) of building, dish to be positioned to face south.	Refused
C/72/0641	Erection of Shopfront	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	<p>National Planning Policy Framework March 2012</p> <p>National Planning Policy Framework – Planning Practice Guidance March 2014</p> <p>Circular 11/95 (Annex A)</p> <p>Technical housing standards – nationally described space standard – published by Department of Communities and Local Government March 2015</p>
Supplementary Planning Guidance	<p>Cambridge City Council (May 2007) – Sustainable Design and Construction:</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p>

### 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	Mill Road Area Conservation Area Appraisal (2011)
	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 Management)**

- 6.1 Following implementation of any Permission issued by the Planning Authority in regard to this proposal the residents of the site, whether new or existing, 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.

## Conservation team

- 6.2 The proposal as amended has an acceptable front elevation, however, the roof dormer, while reduced in depth so that the lower roof slope is visible, still covers the whole width of the roof and will be too large and a very dominant feature to the rear of Norfolk Street as viewed from Edward Street.

## Planning Policy

### National Planning Practice Guidance

- 6.3 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

- 6.4 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

- 6.5 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.

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

- 6.6 The conversion of 92 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.

## **7.0 REPRESENTATIONS**

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

- No. 18 Norfolk Terrace
- No. 2 St. Matthews Street
- No. 4 St. Matthews Street
- No. 6 St. Matthews Street
- No. 6A St. Matthews Street
- No. 7 Upper Gwydir Street

- 7.2 The representations to the initial scheme can be summarised as follows:

- Properties on Matthews Street back onto Norfolk Street and have small patios approximately 4 metres deep. The proposed additional height to the rear of 92 Norfolk Street

would reduce sunlight to the east and impact the outlook from these patios.

7.3 The scheme was then amended to remove one/two storey rear extension and neighbours were re-notified. Further letters of representation were received and their concerns can be summarised as follows:

- This is the only newsagent in the neighbourhood. It has always been well supported by the community and will be a real loss of a facility.
- This area is already one of the most highly populated in Cambridge and it is conceivable that a saturation point has been reached for family homes being turned into flats.
- Parking is a huge issue in the area and although there are only plans to issue visitors parking this proposal 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.

7.4 The letter of representation supporting the amended proposal can be summarised as follows:

- The business has suffered since the opening of a Tesco Express at the top of the road.
- The owner in a position where he is compelled to continue trading under those circumstances or forced to attempt a sale simply to fulfil arbitrary criteria is unfair and counterproductive.
- The proposed dormers are clearly not increasing the ridge height and it is hard to see how this could affect neighbouring properties.
- The proposed front elevation would be an improvement on the current façade and the overall streetscene.
- Housing is required in Cambridge City

7.5 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.

- 7.6 The application has been called in by Councillor Blencowe for determination by the Planning Committee. Councillor Blencowe makes the following comments:

*I have been taking a keen interest in this application as it has clear similarities to the Norfolk St Deli application that I called to committee last year. I understood that design modifications had been made to meet neighbour and conservation concerns so was hopeful that things were looking positive. I am now led to believe that after discussions with Toby as senior planner that indications of support for the application are no longer positive. Though I appreciate that this is late in the process I would request that if Officers are minded to refuse this that it comes to planning committee as I believe that both the change of use and modified design are now acceptable under current planning policy and that committee should deliberate the merits of the application. Please note that should the decision be issued without regard to my request that I would simply have to advise the applicant to resubmit and then call it in straightaway, which would be unhelpfully time consuming for all concerned.*

- 7.7 The agent's response to consultee comments and third party comments can be summarised as follows:

- In response to third party objections all previously proposed first floor extensions have been removed.
- In response to Conservation's consultee response the shopfront has been amended to mirror surrounding residential dwellings.

- 7.8 A petition has also been received raised by the applicants with 91 signatories in support of the change of use from retail to residential. The petition states the following:

- We fully support the owners decision to change the use to residential
- We are customers at this small convenience store which has been running for decades and it is obvious that trade has severely declined and the shop appears to be struggling to keep up with competition in the area due to its size and location.

- There are a variety of shops close by that attend to our needs and it is therefore inconceivable that any other business at this location would prosper
- The shop is at the end of terraced houses and it makes perfect sense to convert the shop into residential as it will blend seamlessly in with neighbouring properties
- We don't want another empty boarded-up shop which hurts the beautiful street scene at Norfolk Street

7.9 The agent further adds that the applicants have decided to cease trading from 29<sup>th</sup> July 2018 regardless of the outcome of the application.

## **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 the loss of retail use
- Principle of residential use
- Context of site, design and external spaces
- Residential amenity
- Refuse
- Highway safety, Car and cycle parking

### **Principle of the loss of retail use**

8.2 The current use of the ground floor of this application property is a newsagents trading as 'News and More'. It is a retail unit (Class A1) and the site is situated in the Norfolk Street Local Centre in close proximity to the Grafton Shopping Centre.

### Assessment of submitted evidence

8.3 The applicants have submitted copies of correspondence between the applicants and various commercial agents. The content comprises the following:

- Advised likely rental incomes
- Advised lease duration
- Quotes for successful letting fees

- Applicant's request for opinion on whether unit would attract rents normally hoped to be achieved
  - Response that a higher rent could be achieved from a hot food/café operator and the highest value would be to convert to residential
  - Quotes for marketing costs
- 8.4 The correspondence also includes a single page letter from One Click Commercial in relation to informal marketing that did take place and stating that despite them being hopeful of successful marketing no interest was received. The reasons for this are given earlier in this report. The informal marketing exercise was done on a no-sale-no-fee basis and the letter suggests the applicants may find another agent to take this forward although marketing fees are likely to be applicable.
- 8.5 The correspondence includes a quote for marketing the premises from Kings Business Transfer. In addition to providing their fees they state:
- 'In anticipation of receiving your instructions to market the business and property for sale, we have already cross-matched the details with our extensive database of qualified buyers who are actively seeking to purchase similar businesses, and can report a positive response given the initial details available.'*
- 8.6 I note the comments that it would be more profitable for a hot food/café operator to be found and that the highest value could be realised for a residential use but one cannot conclude from this indication of more profitable uses that the existing retail use is unviable.
- 8.7 I do not agree with the agent's assertion that this correspondence indicates that there is little or no point in formally marketing the premises. In my opinion the evidence submitted does not indicate that this retail unit, which is currently operating and does not have a history of vacancy, is unviable. It suggests to me that a formal marketing campaign needs to be undertaken before such a conclusion could be arrived at.

Policy background regarding conversion of retail use to residential units

8.8 Cambridge Local Plan (2006) 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.*

8.9 The A1 unit is currently operating and does not have a history of vacancy. In my opinion it makes a contribution to the vitality and viability of the Local Centre to help meet the day-to-day needs of local residents. This proposal therefore does not accord with this policy. The supporting text to this policy, at paragraph 6.25, 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.

8.10 Policy 72 of 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 emerging policy gives useful guidance as to how an applicant would make a very special circumstances case using marketing to determine a retail units viability.

8.11 This policy dictates 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 paragraph 23 of 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. This policy states:

*Developers should note the following generic requirements of any marketing requirement for a facility or site and the specific requirements for specific uses/sites:*

- a. *details shall be provided of the company/person who carried out the marketing exercise;*
- b. *the marketing process should last for at least 12 months, unless a focused marketing strategy has been pre-agreed in writing with the local planning authority, in which case only six months is required;*
- c. *the facility/site should be marketed for the existing or most recent use and not under a generic 'all options' use;*
- d. *the marketing exercise should be sufficiently thorough and use all available forms of advertising media and therefore include as a minimum:*
  - 1. *a 'for sale/for rent' signboard;*
  - 2. *advertisements in the local press;*
  - 3. *advertisements in appropriate trade/charity/leisure magazines/journals;*
  - 4. *advertisements on appropriate trade/charity/leisure websites;*
  - 5. *advertisements through national and local estate agents (including their websites); and*
  - 6. *a targeted mail shot or email to an agreed list of potential purchasers.*

8.12 The policy provides a methodology for marketing. In this regard, in relation to the informal marketing that has taken place, a 6 month marketing campaign was not agreed in writing with the planning authority prior to the submission of this application and no dates were provided as to when the marketing took place. Therefore, I consider the subject marketing campaign does not accord with the criterion 'b' of this policy. It is not clear from the letter provided that any of the 6 points associated with criterion 'd' have been complied with. I also note the agent states in his covering letter that this was not a formal marketing campaign. I am therefore of the opinion that having regard to this emerging policy, the evidence put forward to seek to demonstrate that there are exceptional circumstances is not sufficient in scope or detail and the proposed change of use is, in my opinion, contrary to this emerging policy which is informed by paragraph 23 of the NPPF.

8.13 The Grafton Area of Major Change - Masterplan and Guidance SPD (2018) aims to bring substantial long-term investment in the Fitzroy/Burleigh Street/ Grafton Area. It is anticipated that

this investment will benefit retail uses on Norfolk Street and East Road as it will provide opportunities for public realm and streetscape improvements as well as enhanced footfall and subsequent improved vitality and viability of the area. The exceptional circumstances case submitted with this application has not had regard to this potential. It is imperative to take into account that once retail units are lost to housing they will almost certainly be lost permanently.

### **Principle of residential use**

8.14 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 use the existing land use – being retail and the fact that it is continued within the local centre means that policy 6/7 is engaged.

8.15 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.*

8.16 The property with the extensions proposed would be approximately 131 square metres in gross internal floor area and therefore complies with part A, all other points of this policy will be address in the paragraphs below.



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

8.17 The proposed alterations to the shop frontage are considered to be acceptable by the Urban Design and Conservation Team. They state brick arches should be added above the front to ensure the proposed front façade would be in keeping with surrounding properties. Having been to site I noted there are many variations in this regard. I am therefore of the opinion the proposed works to the front façade would preserve the character and appearance of the Conservation Area.

8.18 The Conservation Officer states regarding the proposed dormer on the rear roof slope:

*The roof dormer has been reduced in depth so that the lower roof slope is visible however it still covers the whole width of the roof and will be a very dominant feature to the rear of Norfolk Street as viewed from Edward Street. The proportions are better but as this will be the first dormer in the terrace and needs to set a good standard of design, currently it is still too large.*

8.19 I note to the rear of the subject property is Saxon House on Edward Street. This property has a dormer very similar in form and scale to the proposal which was approved in 2012. I consider that while the proposed dormer is almost full width, its indentation from the eaves line and use of mainly pitched roofs give it an acceptable appearance that would not detrimentally impact the character of Conservation Area. I am therefore of the opinion the proposed dormer is acceptable in its current form and does not require further amendments.

8.20 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

8.21 The proposed alterations to the fenestration of the building and addition of a larger replacement dormer would not introduce any harmful overlooking impacts upon neighbouring properties. I consider the bulk of the dormer is minor in scale and no

detrimental overshadowing or overbearing impacts are envisaged.

- 8.22 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.

#### Impact on amenity of future occupiers

- 8.23 The habitable rooms of the proposed dwelling would have acceptable outlooks. The two bedroom ground floor flat would be approximately 64 square metres in area and the other two bedroom flat on the upper floors would be approximately 66 square metres. This is just under the 70sqm sought by the *Technical housing standards – nationally described space standard – published by Department of Communities and Local Government March 2015*. However as this is a conversion of an existing property and the proposed flats are only marginally smaller I consider this would provide a satisfactory high quality living environment.
- 8.24 The rear courtyard area at approximately 32 sq. m would provide a satisfactory amount of private outdoor amenity space for the future occupants of the ground floor flat. The proposed two bedroom flat on the first floor and within the roofspace would not have any outdoor amenity space. A two bedroom flat would most likely be occupied by a small family whom in my opinion would require private amenity space. I do not consider it appropriate that the occupiers of this flat would have to rely on nearby local parks for outdoor amenity space, the nearest of which is Petersfield Play Area/Rec approximately 300 metres away. This in my opinion is an unacceptable arrangement for a two bedroom flat and is a recommended reason for refusal.
- 8.25 In my opinion this amended proposal does not provide an appropriate standard of residential amenity space for future occupiers of the upper flat, and I consider that in this respect it is not compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 4/13.

## **Refuse**

- 8.26 The location of bin storage is not clear on the proposed plans. I note there is sufficient room in the rear garden to locate a bin store, however the upper floor flat does not have access to this rear garden unless the future occupants walk around the corner to the rear access for a distance of approximately 55 metres. Should Members be minded to approve the application it would be necessary to revise the layout so that part of the rear amenity space could be given over to cycle and bin storage for the upper floor flat. This could be secured by condition. However, I consider this is not an acceptable arrangement for a two bedroom property, which may be occupied by a small family, to have to walk 55 metres to access bin and cycle stores. This is a further recommended reason for refusal.
- 8.27 In my opinion the proposal is contrary with Cambridge Local Plan (2006) policy 3/12 and the Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide (February 2012).

## **Highway safety, car and cycle parking**

- 8.28 No works to the public highway are proposed and the Highway Authority has raised no objection to the application.
- 8.29 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. In my opinion, the impact upon on-street parking would be negligible. While no cycle parking is proposed it could be accommodated in the rear court yard and if this application were to be approved this could be controlled by condition.

## **9.0 CONCLUSION**

- 9.1 No formal marketing campaign has been undertaken as part of this application. The evidence submitted does not demonstrate that the retail use, which is currently trading and does not have a history of vacancy, is unviable. One commercial agent has indicated that there is potential interest should the unit be

marketed. The proposal will result in the permanent loss of this retail unit which will harm the vitality and viability of this Local Centre. No exceptional circumstances have been demonstrated and the change of use is therefore contrary to Local Plan policies aimed at protecting Class A1 retail units from changes of use. Additionally, the applicants have not considered the likely enhanced viability that investment in the Grafton Centre is anticipated to bring.

The proposed upper floor 2-bedroom flat would fail to provide a high quality living environment to its occupants due to the absence of any external amenity space and any bin store would be located an unacceptable distance away.

## **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 adequate 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), paragraph 23 of the NPPF and policy 72 in the emerging Cambridge Local Plan (2014).
2. The conversion of No. 92 Norfolk Street from retail to residential would further fragment the unique character and identity of this Local Centre. The Grafton Centre immediately to the west of Norfolk Street is anticipated to receive significant investment following the Council's approval of the Grafton Area of Major Change - Masterplan and Guidance in Feb 2018. The application fails to consider the unit in this context or demonstrate that its viability would not be enhanced as a result. As such the loss of the unit is contrary to Policy 6/7 of the Cambridge Local Plan (2006), Paragraph 23 of the National Planning Policy Framework (2012) and National Planning Practice Guidance (2014).
3. The development would fail to provide a high quality living environment for the future residents of the two bedroom flat

within the first floor and roof space as it fails to provide a satisfactory level of external amenity space or acceptable access to an outdoor bin store. As such, the proposal is contrary to Cambridge Local Plan 2006 policies, 3/4, 3/7, 3/11 and 4/13.