

Application Number	19/0707/FUL	Agenda Item	
Date Received	22nd May 2019	Officer	Mairead O'Sullivan
Target Date	17th July 2019		
Ward	Market		
Site	62-64 King Street Cambridge CB1 1LN		
Proposal	Retrospective change of use from A1 to A1 with an associated A3 or A4 use in the alternative.		
Applicant	Mr Sam Owens C/O Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposed flexible use is considered to be appropriate for the city centre location - The proposal is not considered to give rise to any adverse impacts on residential amenity
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site lies on the southern side of King Street. This is a predominantly commercial area and lies within the designated City Centre. The site lies within a Primary Shopping Area. The site is a pair of two storey buildings which are lower than the adjoining buildings at either side. There is a shop front which spans both properties.
- 1.2 The site was previously in solely A1 retail use. The proposed change of use is retrospective and the site is currently operating as A1 with ancillary A3 (café) use.

1.3 The site lies within the central Conservation Area and is a Grade II Listed Building. The site lies within the Controlled Parking Zone.

2.0 THE PROPOSAL

2.0 The application seeks full planning permission for a change of use from A1 (retail) use to A1 (retail) use with an associated A3 (café) or A4 (wine bar) use in the alternative. The application is retrospective as Thirsty currently occupy the site. The current use is A1 with ancillary A3 (Café use). For flexibility the applicant wants an A4 (Wine Bar) use in the alternative.

2.1 There are no physical works proposed to the building. Any new signage would need to be considered under an application for advert consent.

2.2 The application is accompanied by the following supporting information:

1. Planning Statement
2. Plans

3.0 SITE HISTORY

3.1 There is no site history.

4.0 PUBLICITY

4.1 Advertisement:	No
Adjoining Owners:	Yes
Site Notice Displayed:	Yes

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Plan 2018	Local 1 10 11 35 36 55 56 61 81 82

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

Central Government Guidance	National Planning Policy Framework 2019 National Planning Policy Framework – Planning Practice Guidance from 3 March 2014 onwards Circular 11/95 (Annex A)
Previous Supplementary Planning Documents	Sustainable Design and Construction (May 2007)
	<u>Area Guidelines</u> Cambridge Historic Core Conservation Area Appraisal (2015)

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Control)

- 6.1 No objection: There would be no significant adverse impact on the public highway should the development gain planning permission.

Urban Design and Conservation team

- 6.2 There are no material conservation issues with the proposal.

Environmental Health

- 6.3 No objection: The permitted opening hours of the application site via the premises licence (Licensing Act 2003) are restricted to 08:00 – 23:00 hours Monday to Sunday. These hours are reasonable and are recommended to be conditioned. The kitchen size is very limited and the current menu is unlikely to produce excessive odours to impact upon the locality. Any future A3 uses are unlikely to be able to extend the kitchen due to the site constraints and therefore future odour generation is likely to be minimal.
- 6.4 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 56 Manor Place, King Street has made a representation. The representations can be summarised as follows:
- There are increasing issues with anti-social behaviour in the city centre, often alcohol related.
 - The site is at a pinch point in the street and in close proximity to residential windows
 - Concerned that the pathway will be blocked by patrons which could impact on Highway safety. There is no space for a smoking area to the rear so patrons are likely to congregate on the street

- Concerned that there would be food vans as there are regularly outside the High Street Chesterton branch
- There are already numerous businesses which serve alcohol on the street and the proposal will add to anti-social behaviour and noise nuisance.

7.2 Councillor O'Reilly has commented on this application. She has requested that the application be determined at planning committee. Her comments can be summarised as follows:

- Concerned about licensing implications as within the cumulative impact zone
- Residents have raised concerns about increase noise
- The site is on a narrow residential street and concerned about potential use as a pub
- Concerned the proposal is contrary to policy 11 which states that change of use will only be permitted if it would not give rise to a detrimental effect on the character or amenity of the area through smell, litter, noise or traffic

7.3 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

8.0 ASSESSMENT

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of development
2. Context of site, design and external spaces and impact on heritage assets
3. Residential amenity
4. Highway safety
5. Car and cycle parking
6. Third party representations

Principle of development

8.2 The site lies within a Primary Shopping Area (PSA) within the designated City Centre so policy 11 of the Cambridge Local Plan (2018) is relevant. Policy 11 states that development within the PSA should a) complement the retail function and make a

positive contribution to vitality, viability and diversity in the city centre, b) make provision for an active frontage and c) not give rise to a detrimental impact on the character of the area, either alone or cumulatively, through smell, litter, noise or traffic problems. The site falls within a Secondary Frontage and criterion e) states that A1 (retail) use should remain the predominant use on frontages (above 50%) unless it can be demonstrated that the change would be beneficial to the vitality and viability of the frontage.

- 8.3 The proposed change of use retains the A1 use as the predominant use on site and proposes to introduce A3 (café) or A4 (wine bar) uses as associated uses in the alternative. The change of use is retrospective and the site is currently being used as A1 with ancillary A3 use. The ancillary A3 or A4 uses are considered acceptable as ground floor uses within the PSA and I am satisfied that the proposal would comply with criterion a of policy 11. The proposal would provide an active shop front with no physical changes being proposed as part of the application and would therefore be in compliance with criterion b. I will address criterion c under the residential amenity heading below. The application proposes to retain the A1 use on site and there would be no change to the number of A1 frontages on the street as a result of the proposal. The applicant has confirmed that 58% of the commercial units are in A1 use on King Street.

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

- 8.4 The application does not propose any physical changes to the building. The Conservation Officer has confirmed there are no material conservation issues. The change of use proposed retains the A1 use and includes either A3 or A4 uses in the alternative. These uses are considered to be in keeping with the surrounding character.
- 8.5 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 55, 56 and 61.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.6 The application does not propose any physical changes to the building. The Environmental Health Officer has reviewed the application and has no objection to the proposal. I recommend a condition to restrict the operation hours in line with the premises license to 08:00 – 23:00 hours Monday to Sunday. He notes that due to the small size of the kitchen it would not be possible to undertake any significantly odorous cooking. I have recommended a condition to ensure that if more intensive cooking were to occur on site details would need to be provided to the Local Planning Authority for approval.
- 8.7 The proposed use would remain primarily A1 but with ancillary A3 or A4 uses. The representation raises concerns that the proposal will give rise to further issues with anti-social behaviour on the street. The site lies within the city centre and residents would typically expect a greater level of noise and activity than residents of suburban areas. There has only been one objection to the application and no evidence of any significant issues with anti-social behaviour on the street has been demonstrated. The hours of operation are recommended to be conditioned and are similar to other neighbouring commercial uses on the street. In my view the proposed use is unlikely to result in a significant increase to noise and disturbance to nearby occupiers given the nature of the use (primarily an A1 use), restricted hours of operation and the presence of existing commercial uses on the street.
- 8.8 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 (2018) policies 11c), 56, 35 and 36.

Highway Safety

- 8.9 The Highway Authority is satisfied that the proposal would not have any significant adverse impact on highway safety. I share this view.
- 8.10 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 81.

Car and Cycle Parking

8.11 The A1 use is existing and there is no space on site to provide any additional parking. The site lies within the CPZ with metered car parking outside of the premises. There are some public Sheffield stands available on King Street. Given the existing use, the central location of the site and the site constraints I am satisfied that in this instance the lack of secure and dedicated cycle parking is acceptable.

8.12 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 82.

Third Party Representations

8.13 I have addressed the majority of the points raised by the representation within the body of my report but will cover any outstanding matters in the below table.

Representation	Response
There are increasing issues with anti-social behaviour in the city centre, often alcohol related.	See paragraph 8.7
The site is at a pinch point in the street and in close proximity to residential windows	See paragraph 8.7
Concerned that the pathway will be blocked by patrons which could impact on Highway safety. There is no space for a smoking area to the rear so patrons are likely to congregate on the street	This is not a planning matter.
Concerned that there would be food vans as there are regularly outside the High Street Chesterton branch	The Chesterton Road branch does not have a kitchen so provides food through food van. The application site has a kitchen.
There are already numerous businesses which serve alcohol on the street and the proposal will add to anti-social behaviour and noise nuisance.	There is no evidence to suggest there are issues with anti-social behavior that would be compounded by the introduction of ancillary A3 or A4 uses to the site.

9.0 CONCLUSION

- 9.1 The introduction of A3 or A4 uses on site are considered acceptable for the city centre location. The proposed use is not considered to give rise to any significant adverse impact to residential amenity. There are no physical changes proposed to the building and as a result there would be no impact on the Conservation Area or the special interest of the Listed Building.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

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

2. The use hereby permitted shall not be open to customers outside the hours of 08:00hrs-23:00hrs daily (including Bank and Public Holidays).

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2018 Policies 35, 55 and 56)

3. Should the owner/tenant of the premises wish to prepare hot food in the future, details of the extraction/ventilation system to effectively control the emission of cooking smells and fumes shall be submitted to and approved in writing by the Local Planning Authority (so as to prevent the transmission of odour); the extraction/ventilation system shall be installed and fully operational before the preparing of hot food commences and shall be retained thereafter.

Reason: to protect the amenity of nearby occupiers (Cambridge Local Plan 2018 policies 11 and 36)