

Application Number	21/00437/FUL	Agenda Item	
Date Received	2nd February 2021	Officer	Mary Collins
Target Date	30th March 2021		
Ward	Newnham		
Site	31 Newnham Road		
Proposal	Change of use of the ground floor of the replacement building approved under planning permission ref. 18/1807/FUL for business use as an office (Class E)		
Applicant	n/a c/o Agent Cambridge CB1 2GA		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposed development would not have any significant adverse impact on the amenity of surrounding occupiers. - The proposal would not harm the vitality and viability of the Local Centre
RECOMMENDATION	APPROVAL

1.1 SITE DESCRIPTION/AREA CONTEXT

1.2 The application site is located on a bend on Newnham Road along the south eastern side of the street. The Mill Pond lies to the north. It borders No. 2 and 3 Anderson Court which are located to the south and to the west lies Nos. 35 and 37 Newnham Road which are occupied by restaurants known as Sala Thong and Rice Boat. An access road lies to the east and beyond that is Newnham Mill which is a Grade II Listed Building.

- 1.3 The site is located within the Newnham Croft Conservation Area and is adjacent to West Cambridge Conservation Area. Newnham Road is a Local centre. It is within Flood Zones 2 and 3. The site falls within the controlled parking zone.

2.0 THE PROPOSAL

- 2.1 Planning permission is sought for change of use of the ground floor of the replacement building approved under planning permission ref. 18/1807/FUL for business use as an office. (Class E)
- 2.2 Planning permission 18/1807/FUL includes the provision of small A1 (retail)/A3 (Restaurant/Café) use at ground floor. The floor area of the consented ground floor unit is 113sq.m. Four cycle parking spaces are approved to serve the ground floor unit.
- 2.3 The development proposals seek permission to use the ground floor unit for an office use (previously use class B1a, now use class E). No external alterations or other works of operational development are required to facilitate office use and therefore no such works are proposed within this application.
- 2.4 The development proposals seek additional flexibility for the use of the ground floor commercial unit of a consented building at 31 Newnham Road for Class E use.
- 2.5 The application is accompanied by the following supporting information:

Drawings

3.0 SITE HISTORY

Reference	Description	Outcome
C/77/0307	Demolition of existing buildings. (listed building application)	Refused
C/77/0359	Extension to Public House Yard and car park	Approved
C/81/0039	Alterations and extensions to existing Public House	Approved

C/00/0215 Demolition of existing shed at rear and Approved replacement with longer storage shed.

18/1807/FU Erection of new building comprising of a Approved
L single A1 or A3 (in the alternative) unit at ground floor and seven self-contained flats above.

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 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan	1, 3, 6

2018	28, 29, 31, 32, 33, 34, 35, 36 50, 51, 55, 56, 57 61, 62, 69, 70, 71, 72 80, 81, 82, 85
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5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework February 2019 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Annex A)
Supplementary	Cambridgeshire and Peterborough Flood

<p>Planning Guidance</p>	<p>and Water Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (2001). Cambridge and Milton Surface Water Management Plan (2011) Cambridge and South Cambridgeshire Level 1 Strategic Flood Risk Assessment (2010) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Cambridge Historic Core Conservation Area Appraisal (2015) Newnham Croft Conservation Area Appraisal (2013) West Cambridge Conservation Area Appraisal (2011)</p>
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6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Control)

- 6.1 No significant adverse effect upon the Public Highway should result from this proposal, should it gain benefit of Planning Permission

Conservation team

- 6.2 It is considered that there are no material Conservation issues with this proposal.

Drainage

- 6.3 No comments as the proposal is for a change of use.

Environmental Health

- 6.4 No objections to the use of the ground floor as “business use as an office” It is our understanding that E(c)(i) and E(g)(i) “financial services” and “offices to carry out any operational or administrative function” would include “office business use” as described in the previous A2 and B1 uses.

However, if the entire use class E is required at the application site, environmental health have significant concerns for local amenity and quality of life of receptors, especially those located in the flats above the development site.

From an environmental health perspective if class E is permitted, there are considerable factors specifically noise and odour that have the potential to harm local amenity and quality of life of surrounding receptors due to the array of permitted uses under class E that would not require further planning consent if permitted.

The main uses within the class E category with the greatest potential for impact on the surrounding environment from an environmental health perspective are likely to be the “sale of food and drink” (former A3 use), “indoor sport, recreation and fitness” (elements of D2 use) and “creche, day nursery or day centre” (elements of D1 use).

- 6.5 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

- 7.1 Councillor Matthews has commented on this application. In such a critical location for the city and Newnham, that’s also a defined Neighbourhood Centre (in the Local Plan), it should be something for the community like a cafe, restaurant, or any number of the uses suited to a Neighbourhood Centre. IT told that (before being elected) assurances were given (when the original application was granted 18/1807/FUL) that the new building ground floor would be something for the community i.e. not an office. As we come out of lockdown, such a key location should see no issues in finding demand for a more appropriate use.

In the event that this change of use is granted - is it possible to limit it to a few months at a time - where the permission is continuously reviewed - and all the while a more suitable tenant is sought?

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

South Newnham Neighbourhood Forum

- 7.3 The representations can be summarised as follows:

South Newnham Neighbourhood Forum writes to object to this application for a change-of use to or to include "Use Class B1(a) Offices other than A2" as it is contrary to Policy 72 of the Cambridge Local Plan.

During the consultations for the original application (18/1807/FUL), it was explained to the Forum that the ground floor of the replacement building was to be let as a retail or restaurant unit and act as a keynote space in the scheme for this high-profile site.

The impression was given that a use such as coffee shop combined with say a deli would increase the variety and quality of footfall in this corner of Newnham.

On the local plan policies map the area is identified as a local neighbourhood centre, equivalent to the centre of Newnham Croft, running from the Shell Garage up to the Granta public house.

One objective of policy 72 in the Local Plan is to provide protection for Neighbourhood centres from being hollowed out either by conversion into residential or basic office uses.

Table 8.1 of the policy makes it clear that at ground floor, B1 Business Uses are not allowed or are against policy.

The agent, Carter Jonas for the applicant cites the Covid Pandemic as a reason for non-marketability of the unit. This argument should be discounted because as is widely known, due to the vaccination programme, we are likely to be successfully back on-track by summer and this type of setting should be fully lettable.

Even during the pandemic, a new coffee shop / deli (Meadows) has been trading steadily and successfully in the adjacent Newnham Croft area.

The agent's suggestion that the approved use is established then converting over to office use under Class E will be easily achievable, seems unreasonable and against the context under which the first application was approved. This should be resisted as far as practical for the health of this neighbourhood centre.

- 7.4 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

Principle of development

- 8.1 The application site is situated in the Newnham Road Local Centre as defined by Policy 6 of the Cambridge Local Plan 2018.
- 8.2 Planning permission has been granted for the erection of a new building comprising a single A1 or A3 (in the alternative) unit at ground floor and seven self-contained flats above.
- 8.3 Permission is sought to amend the use of the ground floor for business use as an office. In this instance as the building has not been completed and the use of the ground floor has not been implemented, the application cannot technically be described as a change of use. However, the assessment of the issues is considered to be similar.
- 8.4 Policy 72 of the Cambridge Local Plan 2018 states:

Within the boundary of district, local and neighbourhood centres, as defined on the Policies Map, new A1 (shop) uses will be permitted if they are in proportion to the scale and function of the centre.

Proposals for other centre uses, as defined in Table 8.1 within this policy will be permitted provided:

- a. they complement the retail function and maintain or add to the vitality, viability and diversity of the centre;*
- b. provision is made for an active frontage, such as a window display, which is in keeping with the character of the shopping area;*

and

c. they would not give rise to a detrimental effect, individually or cumulatively, on the character or amenity of the area through smell, litter, noise or traffic problems.

Changes of use from A1 to another centre use (as set out in Table 8.1) will be permitted where the development would satisfy the above criteria and additionally:

d. in district centres – the number of properties in A1 use would not fall below 55 per cent (measured as a proportion of the total number of units within the 'A' use classes in the district centre.

8.5 The business (B1 office) use proposed at ground floor level is not considered an appropriate use on the ground floor in a Local Centre (Table 8.1 of the Local Plan) and is contrary to policy 72.

8.6 However, a key material consideration is the recent amendment to the Use Classes Order 1987, which introduced a new Class E.

8.7 The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, Schedule 2, PART A Class E. Commercial, Business and Service allow use, or part use, for all or any of the following purposes—

(a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,

(b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,

(c) for the provision of the following kinds of services principally to visiting members of the public—

(i) financial services,

(ii) professional services (other than health or medical services),
or

(iii) any other services which it is appropriate to provide in a commercial, business or service locality,

(d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,

(e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,

(f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,
(g) for—
(i) an office to carry out any operational or administrative functions,
(ii) the research and development of products or processes, or
(iii) any industrial process,
being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

8.8 It is considered that it is the case that at such time as the consented use of the ground floor unit is implemented, it could subsequently be used for an office use within the scope of use class E as E(c)(i) and E(g)(i) “financial services” and “offices to carry out any operational or administrative function” would include “office business use” as described in the previous A2 and B1 uses, without the need for express permission from the local planning authority.

8.9 This application for planning permission seeks to establish the ability to use the unit for an office purpose ahead of time. It is considered that given the change of use would be acceptable under permitted development if the use of the ground floor had been implemented, that there is no planning reason for not allowing this change of use, even though the proposed change of use is contrary to Policy 72 of the local plan.

8.10 The proposal would in effect still allow for the flexible use of A1 and A3 at ground floor level as these uses would be interchangeable with the office use under Class E.

8.11 Given there could be unrestricted use of the ground floor as Class E under the fallback position, it is considered that there are some uses in this class which would require additional assessment in terms of impact on amenity of the adjacent residential occupiers. Each very different use with varying complex environmental impacts contained within class E must be adequately controlled to protect local amenity and quality of life.

8.12 The main uses within the class E category with the greatest potential for impact on the surrounding environment from an environmental health perspective are likely to be the “sale of

food and drink” (former A3 use), “indoor sport, recreation and fitness” (elements of D2 use) and “creche, day nursery or day centre” (elements of D1 use).

- 8.13 This is because with these uses odour filtration / extraction and noise insulation / mitigation scheme are often required for E(b) development and a noise insulation / mitigation scheme required for E(d) use in order to minimise the airborne / impact noise emanating from the premises.
- 8.14 Although the applicant could have operated an unrestricted former D1 (current E class) use under their fallback position, they would be content to accept conditions listed below and to ensure the impacts of any future uses under E(b) and E(d) are mitigated
- 8.15 The use of the premises for purposes falling under Class E(b) (sale of food and drink on the premises) shall not commence until a scheme detailing plant, equipment or machinery for the purposes of extraction, filtration and abatement of odours has been submitted to and approved in writing by the local planning authority. The approved scheme shall be installed before the use is commenced and shall be retained as such thereafter.
- 8.16 The use of the premises for purposes falling under Class E(b) (sale of food and drink on the premises) shall not commence until a noise insulation / mitigation scheme in order to minimise the airborne / impact noise emanating from the premises is submitted in writing for approval by the Local Planning Authority. The scheme as approved shall be fully implemented before the use is commenced and shall be retained as such thereafter.
- 8.17 The use of the premises for purposes falling under Class E(d) (indoor sport and recreation) shall not commence until a noise insulation / mitigation scheme in order to minimise the airborne / impact noise emanating from the premises is submitted in writing for approval by the Local Planning Authority. The scheme as approved shall be fully implemented before the use is commenced and shall be retained as such thereafter.
- 8.18 Officers consider the proposal is compliant with Cambridge Local Plan (2018) policies 35 and 36.

Context of site, design and external spaces Impact on the Conservation Areas and nearby Listed Buildings

- 8.19 No external changes are proposed to the ground floor layout or elevations. As a result, the development is not considered result in material harm to the character and appearance of the Conservation Area or the settings of adjacent Listed Buildings.
- 8.20 Officers consider the proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 57, 59 and 61.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.21 The residential flats at first floor would not be detrimentally impacted by the proposed use of the ground floor for business use. However, given the unrestricted change of use to other uses within Class E at ground floor level, Officers consider conditions should be attached requiring further details to be agreed if uses under E(b) and E(d) are proposed in the future.
- 8.22 Officers consider the proposal provides an adequate level of residential amenity for future occupiers and Officers consider that it is compliant with Cambridge Local Plan (2018) policies 35 and 36.

9.0 CONCLUSION

- 9.1 The proposed development would not have any significant adverse impact on the amenity of surrounding occupiers. The proposal would not harm the vitality and viability of the Local Centre

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by

Section 51 of the Planning and Compulsory Purchase Act 2004).

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

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

3. All servicing and delivery to or collections shall not be made outside the hours of 0700-2300hrs on Monday to Friday, 0800-1300hrs on Saturday or at any time on Sundays or public holidays.

Reason: To protect residential amenities and to comply with policy 35 of the Local Plan 2018.

4. The use of the premises for purposes falling under Class E(b) (sale of food and drink on the premises) shall not commence until a scheme detailing plant, equipment or machinery for the purposes of extraction, filtration and abatement of odours has been submitted to and approved in writing by the local planning authority. The approved scheme shall be installed before the use is commenced and shall be retained as such thereafter.

Reason: To protect residential amenities and to comply with policy 36 of the Local Plan 2018.

5. The use of the premises for purposes falling under Class E(b) (sale of food and drink on the premises) shall not commence until a noise insulation / mitigation scheme in order to minimise the airborne / impact noise emanating from the premises is submitted in writing for approval by the Local Planning Authority. The scheme as approved shall be fully implemented before the use is commenced and shall be retained as such thereafter.

Reason: To protect residential amenities and to comply with policy 35 of the Local Plan 2018.

6. The use of the premises for purposes falling under Class E(d)

(indoor sport and recreation) shall not commence until a noise insulation / mitigation scheme in order to minimise the airborne / impact noise emanating from the premises is submitted in writing for approval by the Local Planning Authority. The scheme as approved shall be fully implemented before the use is commenced and shall be retained as such thereafter.

Reason: To protect residential amenities and to comply with policy 35 of the Local Plan 2018.