

<b>Application Number</b>	21/02120/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	7th May 2021	<b>Officer</b>	Charlotte Peet
<b>Target Date</b>	23rd July 2021		
<b>Ward</b>	Market		
<b>Site</b>	Telephone Boxes Adjacent Church Of St Mary The Great St Marys Street Cambridge		
<b>Proposal</b>	Change of use of 2 no. BT telephone box to E Class usage (for tour brochures)		
<b>Applicant</b>	Mr Edward Ottewell Aussex Innovation Centre Falmer Brighton BN1 9SB		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"><li>- The proposal would preserve the character and appearance of the surrounding area.</li><li>- The proposed development would not have any significant adverse impact on the amenity of surrounding occupiers.</li><li>- The proposal would not result in significant adverse impacts to highway safety</li></ul>
RECOMMENDATION	APPROVAL

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

- 1.1 The proposal site comprises 2no telephone kiosks adjacent to St Mary's Street. The kiosks are located adjacent to the railings surrounding the Church of St Mary which is grade I listed. The surrounding context forms part of the City Centre with the market square to the east. The proposal site is located within the Historic Core Conservation Area and comprises a grade II listed building.

## 2.0 THE PROPOSAL

- 2.1 The application seeks permission for change of use of 2 no. BT telephone box to E Class usage (for tour brochures).
- 2.2 The application is accompanied by the following supporting information:
1. Drawings
  2. Design and Access Statement
  3. Heritage Statement
  4. Operational Procedure
  5. Lock Specification
  6. Amended Operation Guide
- 2.3 During the course of the application, the applicant submitted additional information regarding the operation of the telephone box.

## 3.0 SITE HISTORY

Reference	Description	Outcome
16/2096/FUL	Change of use of 2no. BT telephone boxes to 2no. office pods (sui generis).	Permitted
16/2097/LBC	Internal and external alterations to two telephone boxes to form 2no. office pods.	Permitted
15/0806/LBC	Change of use of 2no. BT telephone boxes to 2no. office pods (sui generis).	Withdrawn
15/0805/ADV	Three electronic screens mounted on stands screwed into base of kiosk	Withdrawn
14/0320/FUL	Change of use of 2no. phone boxes to 2no. retail kiosks (A1) selling either tea/ coffee, ice cream, shoe shine or souvenirs.	Refused
14/0806/LBC	Works to facilitate a change of use of 2no. phone boxes to 2no. retail kiosks (A1) selling either tea/ coffee, ice cream, shoe shine or souvenirs.	Refused

#### 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 2018	1 6 7 8 10 11 28 29 30 31 32 33 34 35 36 55 56 58 59 61 62 65 70 71 80 81 82

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

Central Government Guidance	National Planning Policy Framework 2021 National Planning Policy Framework – Planning Practice Guidance from 3 March 2014 onwards Circular 11/95 (Annex A)
Supplementary Planning Documents	Cambridgeshire and Peterborough Flood and Water Greater Cambridge Sustainable Design and Construction SPD January 2020

	Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
Material Considerations	<p><u>City Wide Guidance</u></p> <p>Air Quality in Cambridge – Developers Guide (2008)</p> <p>Balanced and Mixed Communities – A Good Practice Guide (2006)</p> <p>Buildings of Local Interest (2005)</p> <p>Cambridge City Council Draft Air Quality Action Plan 2018-2023</p> <p>Cambridge City Council Waste and Recycling Guide: For Developers.</p> <p>Cambridge Landscape and Character Assessment (2003)</p> <p>Cambridge Walking and Cycling Strategy (2002)</p> <p>Cambridgeshire County Council Transport Assessment Guidelines (2017)</p> <p>Cambridgeshire Design Guide For Streets and Public Realm (2007)</p> <p>Cambridgeshire Quality Charter for Growth (2008)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p> <p>Protection and Funding of Routes for the Future Expansion of the City Cycle Network (2004)</p>

	<u>Area Guidelines</u> Cambridge Historic Core Conservation Area Appraisal (2015)
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## 6.0 CONSULTATIONS

### Urban Design and Conservation Team

- 6.1 This proposal is to re-use the existing Grade II listed K6 telephone kiosks outside St Mary the Great for sales of maps, tours and tickets. The description mentions the sale of tea and coffee but there is no indication of this in the plans so this part of the description needs to be removed.
- 6.2 The existing fittings would be removed and replaced with a modular unit which is self-supporting and so will not require any fixings to the structure and can be removed. The drawings do not show details of the module in terms of the framing and this is required by condition.
- 6.3 The existing glass would be replaced with 4mm toughened glass and a mortice lock inserted behind the existing Pull plate.
- 6.4 The box would be maintained and repainted every 2 years in the standard BT red.
- 6.5 According to the operating details the door would remain closed except when a customer is being served and no seating or paraphernalia would be outside the box at any time.
- 6.6 Taking the above into account, I consider that the proposal with an amended description will not harm the significance of the listed building.
- 6.7 The proposals will comply with Local Plan policy 61.
- 6.8 With reference to the NPPF and the effect on the significance of the heritage asset, paragraph 192 would apply.
- 6.9 Conditions:
- Full details of the inserted modular unit to be submitted and approved by the LPA.

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

- 6.10 Telephone kiosks are permitted to be installed within the adopted public highway by telecommunication companies under their rights as statutory undertakers to provide a public service.
- 6.11 Once this service ceases such structures should be removed from the adopted public highway as they no longer provide a public service and become private structures which the Highway Authority will not licence.
- 6.12 The Highway Authority requests that the application be refused on the grounds of highway safety as the doors of the structure open outwards across the adopted public highway in an area where there is very high pedestrian flows under normal conditions. Doors opening across the adopted public highway is a breach of the Highways Act 1980 and a detriment to pedestrian safety.

### **Environmental Health**

- 6.13 Thank you for consulting the Environmental Quality & Growth Team on this application.
- 6.14 I have no comments or recommended conditions to make regarding this application.

## **7.0 REPRESENTATIONS**

7.1 The owners/occupiers of the following addresses have made representations (submitted under the associated LBC application but raising planning issues).:

- 15 Oxford Road, Cambridge

7.2 The representations can be summarised as follows:

- Additional congestion for highway users
- Additional litter
- Additional deliveries (limited deliveries, wouldn't be required)

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 the main issues are as follows:

1. Principle of development
2. Impact to the Listed Building and Heritage Assets
3. Context of site, design and external spaces
4. Residential amenity
5. Highway safety

### **Principle of Development**

8.2 Cambridge Local Plan (2018) policy 10 states that any new development or redevelopment should: (a) add to the vitality and viability of the city centre; (b) achieve a suitable mix of uses; (c) preserve or enhance heritage assets and their setting, open spaces and the River Cam; (d) be of the highest quality design and deliver a high quality public realm; and (e) promote sustainable modes of transport.

8.3 The proposal seeks to change the use of 2no. telephone kiosks to Class E, for the sale of tour brochures. The telephone kiosks are no longer used for telecommunication purposes and are therefore somewhat redundant at current. The proposed change of use would seek to bring the kiosk into use for the sale of tour brochures and tickets, it is considered that this use would be compatible with the surrounding uses and would add to the vitality and viability of the City Centre.

8.4 Policy 11 aims to ensure a suitable mix of uses in the City Centre primary shopping area, as the proposal would add two small retail units within this area, this is considered to positively contribute to the vitality and viability of the area and maintain the concentration of retail uses within the primary frontage areas.

8.5 This application follows an earlier refusal on the two most easterly telephone kiosks in this location for the change of use to retail units to be used for the sale of tea, coffee, ice cream,

shoe shining services and souvenirs (ref. 14/0320/FUL & 14/0806/LBC). The applications were refused for two reasons, firstly that the change of use would detract from the setting of the listed heritage assets. The installation of a large semi-permanent internal modular unit, the opening of the doors for long periods of time and the associated paraphernalia that would be required for the use were highlighted. The second reason related to the doors being open for the long periods of time and the impact to highway safety.

- 8.6 Later, this was then followed by an application which was permitted to use the kiosks as office pods (ref. 16/2096/FUL & 16/2097/LBC). This application overcame the previous objections, in that it was considered to preserve the significance of the heritage assets and not adversely impact highway safety despite the objection from the Highway Officer. The proposal removed the modular unit and associated paraphernalia, and it was considered the doors would not remain open for such long periods of time.
- 8.7 This application is supported by the Conservation Officer, they highlight that the door would remain closed except when a customer is being served and there would be no seating or paraphernalia outside of the kiosk at any times. Officers agree, that given these points, and the minimal changes proposed, the proposal would successfully preserve the significance of the heritage assets.
- 8.8 In terms of highway safety, the Highways Engineer has objected to the application stating that the telecommunication equipment should be removed from the public highway and that the opening of the doors would cause highway safety concerns. The telephone boxes were erected to provide telecommunication services, however they are now listed structures that remain in situ due to their architectural and historic merit. The applicant has submitted an updated procedure guide, which describes that the doors of the telephone kiosks would only be open during each ticket/ tour brochure sale which would last for a maximum of 60-90 seconds and then the door would be closed again.
- 8.9 As existing the doors can be opened for users to enter and exit the telephone box, similarly the approved development would allow the doors to be opened when users of the office pods



would enter and exit the pod. This application would result in a minor intensification of this opening period, as whilst no one would enter and exit the telephone, the door would remain open whilst each customer is served. Officers consider that this impact over and above the existing use would be very minor and would not cause significant adverse impacts to highway safety.

- 8.10 Overall, the proposal would be considered to comply with Cambridge Local Plan (2018) Policy 10 and Policy 11.

### **Impact to the Listed Building and Heritage Assets**

- 8.11 In consultation with the Conservation Officer, the internal fitting would not require any fixings to the telephone box structure and could be removed if no longer in use. The proposed toughened glass and mortice lock are considered to be acceptable as the glass would replace and maintain the profile of the existing glass and the lock would be located behind the existing pull handle. The proposal would not require any external paraphernalia. The proposal would preserve the significance of the listed building, and the surrounding heritage assets including the in accordance with Policy 61 and NPPF paragraph 192.

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

- 8.12 The proposal seeks to change the use of 2no telephone kiosks for the sale of tickets and tour brochures. The external appearance of the telephone kiosks would be predominantly unaltered although the kiosks would be repainted, the glass would be replaced and a five-lever mortice lock would be installed behind the existing pull handle. The internal area of the telephone would see a modular unit installed to hold the tickets and tour brochures, however this would be set back from the front of the box as to not dominate views into the structure.
- 8.13 The telephone kiosks are located in a key historic area, adjacent to the Market Square and the setting of the Church of St Mary's. As the proposal would retain the external appearance of the telephone box and involve minimal internal alterations, the proposal would preserve the character and appearance of the locality and the Conservation Area.

- 8.14 The proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 58 and 61.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.15 Given that the kiosks are located in a central location, where the surrounding uses are predominantly retail at ground floor level. The kiosks will be manned by a single employee for selling tickets and tour brochures, the door would be closed when a customer is not being served. It is not considered that the proposal would result in a significant level of increased activity that would result in detrimental impacts to the surrounding area. The change of use of the telephone kiosks would not be considered to result in adverse impacts to neighbouring occupiers.
- 8.16 The proposal adequately respects the residential amenity of its neighbours and the constraints of the site and is compliant with Cambridge Local Plan (2018) policies 58 and 35.

### **Highway Safety**

- 8.17 The Highways Authority raise an objection to the application and recommend that the application be refused. They suggest that the telephone kiosk should be removed as it no longer serves a purpose for telecommunications and they raise concerns that the doors opening across the public highway would result in a detriment to highway safety.
- 8.18 There were two applications previously permitted on the site (ref. 16/2096/FUL and 16/2097/LBC) for the change of use of the telephone kiosks to office pods. The Highways Authority raised a similar objection to this proposal on the grounds that the proposal would be to the detriment of the safe and efficient use of the public highway. Notwithstanding this, the Officer took the view that as the doors would remain closed other than when in use, there would not be a significant impact upon highway safety and following this the application was permitted.
- 8.19 The submitted proposal would result in the door being open only when serving a customer, it would remain closed otherwise. This may result in a minor increase to the open

period of the door, however Officers consider that this would be very minimal and would not result in adverse impacts to pedestrian safety. This area of pavement here has a width of 3 metres at its narrowest point in front of the telephone kiosks, and the door of the telephone box has a minimal span at 0.7 metres. Given this, it is not considered that the proposal would result in significant obstruction to the pavement in this area.

- 8.20 Given this it is considered that the proposal would not result in detrimental impacts to highway safety, in accordance with Cambridge Local Plan policy 81.

### **Other Matters**

- 8.21 The representation received has also raised concerns about conflict if deliveries were required and the additional litter that could result from the proposal. In the statement submitted with the application it states that stock deliveries and waste collection would be of a very minor scale. The waste from the waste baskets kept in the unit would be emptied daily. Deliveries would be less frequent and undertaken with a small car/ van or by on foot/ bicycle. Given the minor scale of the required movements, it is not considered that deliveries would cause significant additional congestion and that waste would be dealt with in an appropriate manner.

## **9.0 CONCLUSION**

- 9.1 Having regard to applicable national and local planning policies and having taken all relevant material considerations into account, it is considered that consent should be granted in this instance.

## **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. Notwithstanding the provisions of Article 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), the premises shall be used for Class E(a), formerly A1, and for no other purpose (including any other purposes in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).

Reason: The application has been assessed on its individual merits and the use of the premises for any other purpose may result in harm which would require re-examination of its impact. (Cambridge Local Plan 2018 policies 35, 55, 57, and 81)