



<b>Planning Committee Date</b>	7 <sup>th</sup> February 2024
<b>Report to</b>	Cambridge City Council Planning Committee
<b>Lead Officer</b>	Joint Director of Planning and Economic Development
<b>Reference</b>	23/03389/FUL
<b>Site</b>	54 and 54a Cherry Hinton Road, Cambridge
<b>Ward / Parish</b>	Coleridge
<b>Proposal</b>	Proposed change of use from HMO (use class C4) to create a flexible use (Use Class E and F1) including artists studios and communal / gallery space, as well as office use, educational use and retail use. Retrospective single storey rear extension and two-storey side extension following demolition of rear extension. Retention of barbers premises (Use Class E). Retention of 1no. studio flat. (use class C3).
<b>Applicant</b>	Mr R Pile
<b>Presenting Officer</b>	Tom Chenery
<b>Reason Reported to Committee</b>	Called-in by Cllr Griffin and Cllr Davies Third party representations
<b>Member Site Visit Date</b>	TBC
<b>Key Issues</b>	1. Principle of Change of Use 2. Impact on Residential Amenity 3.Car Parking/Access
<b>Recommendation</b>	<b>APPROVE</b> subject to conditions

## **1.0 Executive Summary**

- 1.1 The application seeks retrospective permission for the addition of a single storey rear extension, two storey side extension following the demolition of a rear extension as well as the retention of a barbers premises and the retention of 1.No Studio Flat. The proposal also seeks to change of use of the site from a HMO (Use Class C4) to create a flexible use (Cuse Class E and F1) which would result in artists studio, a communal gallery space, office use, educational use and retail use.
- 1.2 Planning Permission was granted under application reference for the 20/0050/FUL change of use of the building from HMO (use class C4), single storey rear extension and two-storey side extension following demolition of rear extension. To create 4no. artists studios (use class B1), 2no. communal / gallery spaces (use class D1) and associated service provision. Retention of barbers premises (use class A1). Retention of 1no. studio flat as caretaker's accommodation (use class C3).
- 1.3 The approved scheme was not built in accordance with the approved plans and included the sale of paintings which is not permitted under the previous Use Class B1 or D1. The retention of the barbers premises and studio flat remain unaltered from the originally approved scheme.
- 1.4 The proposed change of use is acceptable in principle
- 1.5 The proposal is not considered to cause harm to the character and appearance of the area.
- 1.6 The proposal is not considered to result in any harm to the amenity or living conditions of neighbouring occupiers.
- 1.7 The proposal is not considered to result in any highways safety implications.
- 1.8 Officers recommend that the Planning Committee Approve the application

## **2.0 Site Description and Context**

None-relevant		Tree Preservation Order	
Conservation Area		Local Nature Reserve	
Listed Building		Flood Zone 1	
Building of Local Interest		Green Belt	
Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Controlled Parking Zone	X

Local Neighbourhood and District Centre	X	Article 4 Direction	
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\*X indicates relevance

- 2.1 The site is located on the western end of Cherry Hinton Road, close to the city centre. No.54 is a three storey (second floor in the roof) end of a terrace Victorian property. The ground floor of the property is used as a barbers with the upper floors being previously used as a House in Multiple Occupation (HMO) for 4 occupants.
- 2.2 The attached property (no.52) is a similar Victorian property but beyond this is a terrace row of two storey properties made up of residential housing, leading into the centre of the city. The next property to the east is a retail unit and this is adjoined by a variety of commercial units including a restaurant, takeaway and a bar. The site and commercial units form part of a group of units designated within a District and Local Centre in the adopted Local Plan (2018).
- 2.3 A private road provides access to the rear of the property as well as serving various other properties that back on to this communal area. The rear of the application property (the site) runs parallel to the access road and provides informal parking.
- 2.4 The site is not located within a Conservation Area and there are no heritage assets within the immediate locality.

### **3.0 The Proposal**

- 3.1 The proposal seeks planning permission for the proposed change of use from a HMO (use class C4) to create a flexible use (Use Class E and F1) including artists studios and communal / gallery space, as well as office use, educational use and retail use. It also seeks for a retrospective single storey rear extension and two-storey side extension following demolition of rear extension. Retention of barbers premises (Use Class E). Retention of 1no. studio flat. (use class C3).
- 3.2 The proposal seeks to regularise the development at the application site from that which was approved under application reference 20/0050/FUL. The proposal was not built in accordance with the approved plans of application 20/0050/FUL and as such does not benefit from the permission granted. The use of the gallery space also included the sale of artwork which was not permitted under the approved application.
- 3.3 The proposal seeks retrospective planning permission to erect a single storey rear extension and two storey side extension which would accommodate a flexible use, including artists studio, communal/gallery space as well as office use education use and retail use (Use Classes E and F1).

- 3.4 The proposal also seeks to retain the existing ground floor barbershop (Use Class E) at the front of the site, and the existing second floor studio flat (Use Class C3).
- 3.5 As part of the proposal, it also seeks to alter the hours of operation to that which were conditioned of the previously approved scheme. An application was submitted under reference 23/02157/S73, however, this was withdrawn.
- 3.6 The application as submitted originally did not include the regularisation of the extensions which were not built in accordance with the approved plans. The description was amended to reflect this and further consultations have been carried out as appropriate.
- 3.7 The proposal is similar to that brought to Planning Committee on 4<sup>th</sup> November 2020. The application was approved by committee.

#### 4.0 Relevant Site History

Reference	Description	Outcome
23/02157/S73	S73 to remove conditions 3 (Details of parking spaces) and 5 (Hours of operation) of planning ref: 20/0050/FUL (Change of use from HMO (use class C4), single storey rear extension and two-storey side extension following demolition of rear extension. To create 4no. artists studios (use class B1), 2no. communal / gallery spaces (use class D1) and associated service provision. Retention of barbers premises (use class A1). Retention of 1no. studio flat as caretaker's accommodation (use class C3))	Withdrawn
20/0050/CONDA	Submission of details required by conditions 3 (Parking provision), 7 (Traffic Management plan) and 8 (External Materials) of planning permission 20/0050/FUL	Discharged in Full
20/0050/FUL	Change of use from HMO (use class C4), single storey rear extension and two-storey side extension following demolition of rear extension. To create 4no. artists studios (use class B1), 2no. communal / gallery spaces (use class D1) and associated service provision. Retention of barbers premises (use class A1). Retention of 1no. studio flat as	Approved

	caretaker's accommodation (use class C3).	
17/0242/FUL	Change of use from HMO (use class C4) and single storey rear extension, following demolition of rear extension and internal alterations to create 6 no. artists studios (use class B1), 1 no. gallery space (use class D1) and associated service provision. Retention of barbers premises (use class A1)	Withdrawn
16/0835/FUL	Change of use from HMO (use class C4) and part two storey part single storey rear extension, following demolition of rear extension and internal alterations to create 5 no artists studios (use class B1) 1 no. caretakers flat (use class C3), 1 no. gallery space (use class D1) and associated service provisions. Retention of barbers premises (use class A1)	Withdrawn

4.1 Planning Permission was granted under application reference 20/0050/FUL for the erection of a two storey side extension and single storey rear extension to facilitate 4no. artists studios (use class B1), 2no. communal / gallery spaces (use class D1) and associated service provision. The application also sought to retain the barbershop at the front of the site (Use class A1, now E) and a residential unit on the second floor (Use Class C3).

4.2 This proposal was not built in accordance with the approved development and as such does not benefit from planning permission.

4.3 A subsequent application 23/02157/S73 was submitted to amend the hours of use and the car parking layout, this application was withdrawn as the proposal is not built in accordance with the approved plans.

## 5.0 Policy

### 5.1 National

National Planning Policy Framework 2023

National Planning Practice Guidance

National Design Guide 2021

Environment Act 2021

Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Conservation of Habitats and Species Regulations 2017

Equalities Act 2010

Planning and Compulsory Purchase Act 2004

Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design

Technical Housing Standards – Nationally Described Space Standard (2015)

ODPM Circular 06/2005 – Protected Species

Circular 11/95 (Conditions, Annex A)

## **5.2 Cambridge Local Plan 2018**

Policy 1: The presumption in favour of sustainable development

Policy 2: Spatial strategy for the location of employment development

Policy 3: Spatial strategy for the location of residential development

Policy 5: Sustainable transport and infrastructure

Policy 6: Hierarchy of centres and retail capacity

Policy 28: Sustainable design and construction, and water use

Policy 29: Renewable and low carbon energy generation

Policy 30: Energy-efficiency improvements in existing dwellings

Policy 31: Integrated water management and the water cycle

Policy 32: Flood risk

Policy 33: Contaminated land

Policy 34: Light pollution control

Policy 35: Human health and quality of life

Policy 36: Air quality, odour and dust

Policy 41: Protection of business space

Policy 48: Housing in multiple occupation

Policy 50: Residential space standards

Policy 51: Accessible homes

Policy 55: Responding to context

Policy 56: Creating successful places

Policy 58: Altering and extending existing buildings

Policy 64: Shopfronts, signage and shop security measures

Policy 65: Visual pollution

Policy 70: Protection of priority species and habitats

Policy 71: Trees

Policy 72: Development and change of use in district, local and neighbourhood centres

Policy 74: Education facilities

Policy 79: Visitor attractions

Policy 80: Supporting sustainable access to development  
Policy 81: Mitigating the transport impact of development  
Policy 82: Parking management

### **5.3 Neighbourhood Plan**

N/A

### **5.4 Supplementary Planning Documents**

Biodiversity SPD – Adopted February 2022  
Sustainable Design and Construction SPD – Adopted January 2020  
Cambridgeshire Flood and Water SPD – Adopted November 2016  
Trees and Development Sites SPD – Adopted January 2009

### **6.0 Consultations**

#### **County Highways Development Management**

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

#### **Environmental Health**

- 6.2 No Objection subject to recommended conditions

### **7.0 Third Party Representations**

- 7.1 47 representations have been received

- 7.2 Those in objection have raised the following issues:

- Principle of development (Change of Use to retail)
- Access Issues
- Anti-Social Behaviour
- Character, appearance and scale
- Density and overdevelopment
- Loss of Private Space/Access
- Contrary to Original Permission (Shouldn't be a commercial gallery)
- Operate in breach of planning conditions
- Residential amenity impact (impacts on daylight, sunlight, enclosure, privacy, noise and disturbance, light pollution)
- Car parking and parking stress
- Cycle parking provision

- 7.3 38 comments in support have raised cited the following reasons:

- 7.4
- Unable to access current classes due to timings
  - Adds value to the community
  - Community Asset

- Art Classes help with Mental Wellbeing
- Provides a space for art
- Best art gallery in Cambridge
- Addresses need of municipal gallery
- Place for Local Residents
- Small Business
- Bring culture to the area
- Well designed building
- Sustainable Location
- Not many art galleries in the city.
- Proposed change of hours not an issue
- Out of office hours not harmful

## **8.0 Member Representations**

8.1 Cllr Griffin has made a representation (objecting to) the application on the following grounds:

- Negative impact by Change of Use

8.2 Cllr Griffin has made a representation (objecting to) the application on the following grounds:

- Negative impact by Change of Use

## **9.0 Local Interest Groups and Organisations / Petition**

9.1 Cherry Hinton and Rathmore Road Residents Association (CHRRRA) has made a representation objecting to the application on the following grounds:

- Use as a Commercial Gallery Space
- Operating Outside of permitted business hours
- Use of Private Lane to the rear of the site
- Use of the site is too wide ranging.
- Impact upon the amenity of neighbouring occupiers
- Increase in traffic and parking(highways safety)
- Increase maintenance expenses for the road
- Intensification of the site due to uses
- No Compliance with planning regulations



- 9.2 The above representations are a summary of the comments that have been received. Full details of the representations are available on the Council's website.

## **10.0 Assessment**

### **10.1 Principle of Development**

- 10.2 Policy 2 of the Cambridge Local Plan 2018 states that the overall development strategy for employment development is to support a range of employment opportunities. The proposal would provide a range of employment opportunities and as such would comply with Policy 2.
- 10.3 Policy 6 of the Cambridge Local Plan sets out the hierarchy of centres and retail capacity. The policy sets out that development should contribute to the vitality and viability of the centre, and should be appropriate to the scale, character and function of the centre. The site is located within the Cherry Hinton Road West Local Centre. Within this Local Centre there are a number of uses, although are largely retail (Use Class E) Given the proposed use, which falls within Use Classes E and F1, it is considered that the use would be appropriate. The proposal is therefore considered in accordance with Policy 6.
- 10.4 As the site falls within the Cherry Hinton Road West Local Centre. Policy 72 is relevant. Policy 72 outlines the uses acceptable in Local, District and Neighbourhood Centres and permits the change of use to centre uses provided the vitality, viability and diversity of the centre is maintained or enhanced. Policy 72 continues to state inappropriate uses in designated centres at ground floor, which comprise former B1 (office), B2 (light industrial), B8 (storage and distribution), C2 (residential institutions), C3 (dwellinghouses), C4 (houses of multiple occupation) and other 'sui generis' uses.
- 10.5 The proposal would retain the existing barbershop premises at ground floor level which fronts Cherry Hinton Road. The proposal would provide an art gallery, educational use, retail use and ancillary office use which itself is a diverse range of uses within the site and to the Local Centre. The application requires both the retail use and office use in order to allow the art gallery to sell artwork to remain viable as well as provide space to organise the events. The proposed uses are evident within the Local Centre at present and would ensure the site remains viable. As such the proposal is considered to comply with Policy 72 of the Local Plan.
- 10.6 Several objections have been received regarding the change of use of the site citing concerns over the negative impacts the development would have on the amenity of local residents, highways safety, and resulting in an intensification of the use of the site. These are not considered matters of principle and will be considered within relevant sections within the report as well as other relevant material planning considerations.

10.7 Policies 73, 74 and 79 of the Local Plan support the provision on community facilities, educational facilities and tourist attractions. Whilst the building proposed is very modest in size, it is necessary to take into account the benefits that can be delivered through the creation of this artistic space. The 'arts' are an important part of the culture of Cambridge and also make an important contribution towards the local economy.

10.8 Overall, the principle of the development is acceptable and in accordance with policies 2, 6 and 72 of the Cambridge Local Plan.

#### **10.9 Amenity**

10.10 Policy 35, 50, 52, 53 and 58 seek to preserve the amenity of neighbouring and / or future occupiers in terms of noise and disturbance, overshadowing, overlooking or overbearing and through providing high quality internal and external spaces.

#### **10.11 Neighbouring Properties**

10.12 A number of objections have been received by local residents and the Cherry Hinton and Rathmore Road Residents Association regarding the impact the development would have on the amenity and living conditions of neighbouring occupiers.

10.13 Some of the objections relate to the intensification of the use of the access road and the impact that would have upon the Private Road running to the east and south east of the site. That specific issue is considered within the Highways and Transport Impact section of this report (Paragraphs 10.46-10.58)

#### **10.14 Impact upon No.52 Cherry Hinton Road**

10.15 The single storey rear extension would abut the shared boundary of No.52 Cherry Hinton Road. The impact of the extension on No.52 was considered within the previous application 20/0050/FUL.

10.16 Nonetheless, the development is located on the shared boundary with this adjacent property and would extend some 2.5m from the rear of No.52. No.52 also benefits from a long skylight which provides this part of the dwelling with its main source of light.

10.17 The attached property is to the west (No.52) of the application property and the sites orientation means that any loss of light will only be in the morning.

10.18 The proposed development is lesser in scale than that which was approved and is considered to have a lesser impact than that which was considered acceptable.

- 10.19 In addition to this, given the proposed scale, siting and design of the proposal as well as its relationship with No.52, the proposal would not cause any undue impacts to the amenity or living conditions of No.52 Cherry Hinton Road.
- 10.20 Future Occupants
- 10.21 Policy 50 of the Cambridge Local Plan (2018) requires all new residential units to meet or exceed the Government's Technical Housing Standards – Nationally Described Space Standards (2015).
- 10.22 The application seeks to retain an existing studio flat at second floor level. The proposal does not seek to make any alterations to this unit and as such is considered to be acceptable in terms of its amenity and living conditions of future occupiers.

### **Environmental Impacts**

- 10.23 Policy 35 guards against developments leading to significant adverse impacts on health and quality of life from noise and disturbance. A number of objections have been received regarding the proposed use of the site, the intensification of the use and proposed opening hours.

### *Use of the Site/Intensification*

- 10.24 Several objections have been received relating to the intensification of the use of the site as well as the impact the change of use of the site would have upon neighbouring occupiers.
- 10.25 Concerns have been raised that as the proposal is allowing for Use Class E, which allows for a wide range of retail and office use, this would allow the development in the future which would result in unacceptable impacts to the neighbouring properties through noise and other environmental impacts.
- 10.26 The previously consented scheme was permitted subject to a condition which restricted the use to D1 but also solely for an art gallery use only and did not allow for the sale of artwork Class D1 has been altered under the amended Use Class Order 2020 and some uses fall under Class E and some F1.
- 10.27 The applicant has stated that the proposal seeks for Class E development to allow for the sale of art which is being shown as part of the art gallery use which was previously approved. In addition to this, the applicant has indicated that Class E is also required in order to provide an office use on the site which would run in conjunction with the art gallery.

10.28 Although the site falls within a Local Centre, the site is surrounded by residential properties to the north, west and south. As indicated Class E covers a number of different uses, some of which may result in increased noise and other environmental impacts. In order to ensure that the development does not cause harm to the amenity of neighbouring occupiers, relates to the art gallery use and is able to provide a suitable future use, it would be necessary to add a condition which would restrict the development to Use Class E (a), (c)(ii)(iii) and g(i) as well as Class F1.

#### 10.29 *Operating Hours*

10.30 As part of the original planning permission (20/0050/FUL) a condition was added which restricted the use of the site to only be used between the hours of 08:00 and 18:00 Monday to Saturday and at no time on a Sunday or Bank Holiday.

10.31 As part of the application, the applicant is seeking to change the previously approved hours of use as at present, a number of the visitors to the site are unable to attend classes as they are within standard daytime hours. The applicants planning statement has proposed hours of Monday to Saturday 08:00 to 22:00 and 10:00 until 16:00 on Sundays and Bank Holidays. The planning statement provides detailed commentary on why this is required siting that it would ensure the viability of the use of the site.

10.32 The Environmental Health Officer has commented on the scheme and has raised no objection to the application subject to a condition which would restrict the use of the site to certain uses within Use Class E and F1 as well as a condition restricting the hours of the use.

10.33 The Environmental Health Officer has confirmed that the hours put forward by the applicant are considered to be suitable.

10.34 It is therefore considered that the proposed change of use to Use Class E and F1 as well as the altered opening hours are acceptable and would not result in any undue harm to the amenity or living conditions of neighbouring occupiers or any undue environmental impacts subject to the several conditions restricting the use and the hours.

#### 10.35 *Summary*

10.36 The proposal adequately respects the amenity of its neighbours and of future occupants and is considered that it is compliant with Cambridge Local Plan (2018) policies 35 and 58.

#### 10.37 **Design, Layout, Scale and Landscaping**

- 10.38 Policies 55, 56, 58 seek to ensure that development responds appropriately to its context, is of a high quality, reflects or successfully contrasts with existing building forms and materials and includes appropriate landscaping and boundary treatment.
- 10.39 The proposal seeks to erect a single storey extension to the rear of the existing property as well as erect a two story side extension. A single storey rear extension and two storey side extension were previously considered and approved under application reference 20/0050/FUL. The proposal is very similar to the approved development and is smaller in scale to that which was approved.
- 10.40 The main differences to that of the approved scheme is the loss of the structure housing a bin and bike store to the rear of the site, the altered design of windows and doors along the side/rear elevation on both the single storey aspect and two storey aspect. The roof pitch/design is also slightly altered than that on the approved plans. Most alterations are smaller in scale than that of the approved scheme.
- 10.41 As the proposal would be minor variations to the approved scale and design of the previously approved scheme, which results in the building being lesser in scale, the development is not considered to cause harm to the character and appearance of the area.
- 10.42 Overall, due to the location of the proposed extensions, which would not be highly visible from the streetscene as well as their appropriate design, the proposal would relate acceptably to the host building and would comply with policies 55, 56 and 58 of the Cambridge Local Plan.

#### **10.43 Highway Safety, Transport Impacts**

- 10.44 Policy 80 supports developments where access via walking, cycling and public transport are prioritised and is accessible for all. Policy 81 states that developments will only be permitted where they do not have an unacceptable transport impact.
- 10.45 Para. 115 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.46 Access to the site would be from a private road access from Cherry Hinton Road. The private road extends from the east of the site running to the rear of No's 54a to No.36 Cherry Hinton Road, then exiting again on to Cherry Hinton Road to the West.
- 10.47 A number of objections have been received regarding the use of the private road to the east and south east of the site where the entrance to the art gallery and parking area is located. Objections relate in particular the intensification of vehicular movements, the increase in maintenance

requirements for the access track and highways safety concerns as a result of the development.

- 10.48 The application site is located within a highly sustainable location with a number of transport options available to users of the site, including walking, cycling and buses. Although there is some parking to be provided within the site, this parking is limited. There is parking available on the street and on surrounding roads, including a multi storey car park associated with Cambridge Leisure facility located some 320m to the North.
- 10.49 Although it is considered that there is some degree of car parking within the site, this parking would be limited due to the scale and siting of the site and the private road which accessing the parking. This itself would limited parking numbers and it is necessary to add a condition to any permission given which provides greater detail of the proposed parking layout.
- 10.50 In addition to this, there is already a degree of car movements to and from the site as a result of the existing barbershop use, the existing residential use and the previous HMO use.
- 10.51 Any use of the private land is a civil matter and is not a consideration of this application.
- 10.52 The Local Highways Authority has been consulted and have raised no objection to the proposal.
- 10.53 Regarding the maintenance of the private drive and any associated cost, this is not a planning concern.
- 10.54 Therefore, for the reasons outlined above, it is considered that due to the sustainable location of the development of which there are a number of sustainable transport options available to potential employees and visitors; the limited parking available due to the siting and scale of the site and; the parking opportunities within short distance of the site, the proposed development is considered to provide significant opportunity to access the site without the need for a car and would not result in an intensification of the access and/or vehicular movements to and around the site.
- 10.55 Subject to conditions, the proposal accords with the objectives of policy 80 and 81 of the Local Plan and is compliant with NPPF advice.

#### **10.56 Cycle and Car Parking Provision**

##### **10.57 Cycle Parking**

- 10.58 The Cambridge Local Plan (2018) supports development which encourages and prioritises sustainable transport, such as walking, cycling

and public transport. Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with the cycle parking standards as set out within appendix. To support the encourage sustainable transport, the provision for cargo and electric bikes should be provided on a proportionate basis.

10.59 The proposal results in a number of varying uses (Class E, F1 and C3) the parking standards within Appendix L do not strictly fall accordingly.

10.60 The originally approved scheme permitted cycle parking within the undercroft of the two storey side extension as well as cycle storage to the rear. Although no details have been provided exactly where cycle parking would be located, there is ample space by the entrance of the site and to the rear of the site to provide cycle parking. Officers have asked for these details to be provided prior to planning committee and will update the amendment sheet accordingly. Provisionally, given the lack of information regarding cycle parking, it is necessary to add a condition to the recommendation for the applicant to provide details of the location of the cycle parking, albeit this may become redundant by the time the application is brought to Committee.

10.61 Car parking

10.62 Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with, and not exceed, the maximum car parking standards as set out within appendix L.

10.63 Similarly to cycle parking, As the proposal results in a number of varying uses (Class E, F1 and C3) the parking standards within Appendix L do not strictly fall accordingly. However, given the sustainable location of the site, it is considered that the site would be visited through sustainable transport methods.

10.64 The site is able to provide a number of car parking spaces and it is necessary to add a condition to any permission given that requires the site to provide a car parking plan indicating exactly how the car parking layout would be set out and the location of any EV charging points and/or disabled bays. Again, this information has been requested ahead of planning committee's consideration of the item. The amendment sheet will be updated accordingly.

10.65 It is therefore considered that subject to the conditions indicated above, the proposal is considered to accord with policy 82 of the Local Plan and the Greater Cambridge Sustainable Design and Construction SPD.

#### **10.66 Third Party Representations**

10.67 The remaining third-party representations not addressed in the preceding paragraphs are summarised and responded to in the table below:

<b>Third Party Comment</b>	<b>Officer Response</b>
Anti-Social Behaviour	The proposed use of the art gallery is not considered to be a use which would result in Anti Social Behaviour. The proposed development would be restricted as to what can be sold on the site through planning conditions. Any issues with Licensing is not a planning matter and can not be considered within this application.
Loss of Private Space/Access	Any use of the private land adjacent to the site and not part of the development which is owned by a third party is a civil matter and can not be considered within this application.
Planning Compliance	The application seeks to regularise development. Any breaches of planning conditions or the use are matters for Planning Compliance and are not a matter for this planning application.
Covenants	A planning permission would not override covenants and private rights. These are civil matters between different landowners and not a material planning consideration.

## **10.68 Other Matters**

### *Water Management and Flood Risk*

- 10.69 Policies 31 and 32 of the Local Plan require developments to have appropriate sustainable foul and surface water drainage systems and minimise flood risk. Paras. 159 – 169 of the NPPF are relevant.
- 10.70 The site is in Flood Zone 1 and is therefore considered at a low risk of fluvial flooding and there is no identified risk of surface water flooding on the site.
- 10.71 In light of the above, the proposal is in accordance with Local Plan policies 31 and 32 and NPPF advice.

## **10.72 Planning Balance**

- 10.73 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004). In considering this application, members of planning committee should not in any way seek to 'punish' the applicants from making a retrospective application. The proposal needs to be considered on its own merits.
- 10.74 The proposed change of use would allow for the sale of art and use of offices ancillary to the previously consented art gallery use. The proposed



change is not considered to cause an intensification of the current use over and above that which has already been permitted. The continued use of the site is supported by Local Plan Policies.

- 10.75 In addition to this, the change in hours to that which was previously permitted is not considered to cause any additional harm to the amenity and living conditions of neighbouring occupiers.
- 10.76 The retrospective single storey and two storey additions are a reduction in scale to that which has been previously permitted and are not considered to cause any harm to the character and appearance of the area or the amenity of neighbouring occupiers.
- 10.77 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval.

## **11.0 Recommendation**

### **11.1 Approve** subject to:

-The planning conditions as set out below with minor amendments to the conditions as drafted delegated to officers.

## **12.0 Planning 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 development hereby permitted shall only be used for the uses allowed under Use Classes retail (E(a)), financial & professional services (E(c)(i/ii)), offices (E(g)(i)), art gallery (F1(b)) and education (F1(a)) and for no other purpose (including any other purpose Use Class E and/or F1 of the Schedule to the Town and Country Planning (Use Classes) Order 2020 (Amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification)

Reason: In order to preserve the amenity of the locality (Cambridge Local Plan 2018 policies 35 and 55).

3. The use hereby permitted shall not be used outside of the hours of 08:00 and 22:00 Monday to Saturday, 10:00 and 16:00 on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to preserve the amenity of neighbouring residents (Cambridge Local Plan 2018 policies 35 and 55).

4. Notwithstanding the approved drawings, no additional windows shall be inserted in the west elevation without the specific grant of planning permission.

Reason: In the interests of residential amenity (Cambridge Local Plan 2018 policies 55 and 57).

5. Within 6 months from the date of planning permission, a scheme for the provision of bicycle racks to serve the development shall be submitted to and approved in writing by the local planning authority and be fully provided.

Reason: In the interests of sustainable travel to and from the site and to accord with Policy 81 and 82 of the Cambridge Local Plan 2018.

6. Within 6 months from the date of planning permission, a plan that details the position of parking spaces and EV charging points (including a disabled space) and turning area shall be submitted to and approved in writing by the Local Planning Authority and be fully provided. The spaces and turning area shall be constructed in accordance with the approved plans and shall be permanently maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and to accord with Policy 81 and 82 of the Cambridge Local Plan 2018.

#### Background Papers:

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- Cambridge Local Plan 2018
- Cambridge Local Plan SPDs