

Application Number	12/1072/FUL	Agenda Item	
Date Received	4th September 2012	Officer	Ms Lorna Gilbert
Target Date	30th October 2012		
Ward	Castle		
Site	27 Benson Street Cambridge CB4 3QJ		
Proposal	Construct basement flat under existing flats. Construct new concrete stairwell to the rear to first and second floor flats. Remove existing ground floor 9" brick extension and replace. Extend first floor flat to the rear.		
Applicant	Mr Hugh Gordon-Roe 5 Newmarket Road Cambridge CB5 8EG UK		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> It is considered the proposal would preserve the character and appearance of the conservation area. <input type="checkbox"/> It is considered the proposal would not be detrimental to the neighbouring properties amenity. <input type="checkbox"/> The proposal would provide an adequate sized one bedroom flat.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The property is a mid-terrace property on the north-western side of Benson Street. The property contains three flats. It is bordered to the north by No.29 Benson Street, which is vacant, uninhabitable and in a state of disrepair. To the south is No.25 Benson Street which has been converted into flats. The north-western boundary borders No.27 Canterbury Street, a detached house.

1.2 The site falls within Central Conservation Area No.1.

2.0 THE PROPOSAL

2.1 The creation of a one bedroom basement flat under the existing flats.

2.2 Construction of a new covered concrete stairwell to the rear to first and second floor flats.

2.3 Remove existing ground floor 9 foot brick extension and replace.

2.4 Extend first floor flat to rear.

2.5 The application is accompanied by the following supporting information:

1. Design and Access Statement

3.0 SITE HISTORY

Reference	Description	Outcome
C/86/0705	Conversion of existing terraced house into 3 No. flats.	Approved with conditions 13.8.1986

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, East of England Plan 2008 policies, Cambridgeshire and Peterborough Structure Plan 2003 policies, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridgeshire and Peterborough Structure Plan 2003	P6/1 P9/8 P9/9
Cambridge Local Plan 2006	3/1 3/4 3/6 3/7 3/11 3/14 4/11 4/13 5/1 5/5 8/2 8/4 8/6 8/10 8/17 10/1

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

Central Government Guidance	National Planning Policy Framework March 2012 Circular 11/95 Community Infrastructure Levy Regulations 2010
Supplementary Planning Documents	Sustainable Design and Construction Waste Management Design Guide Planning Obligation Strategy
Material Considerations	<u>Central Government:</u> Letter from Secretary of State for Communities and Local Government (27 May 2010) Written Ministerial Statement: Planning for Growth (23 March 2011)

	<p><u>Citywide:</u></p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment</p> <p>Strategic Flood Risk Assessment (2005)</p> <p>Cambridge and Milton Surface Water Management Plan</p> <p>Open Space and Recreation Strategy</p> <p>Cycle Parking Guide for New Residential Developments</p>
	<p><u>Area Guidelines:</u></p> <p>Conservation Area Appraisal:</p> <p>Castle and Victoria Road (June 2012)</p>

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 The proposal increases the number of accommodation units on the site and therefore following implementation of any permission issued by the Planning Authority in regard to this proposal the residents of the site will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operation on surrounding streets.

Cambridge City Council (Environmental Services)

- 6.2 Given that this development will involve significant building works and other residential properties are in close proximity Environmental Services have recommended a number of conditions be attached if planning permission is granted.

Urban Design and Conservation Team

- 6.3 The works to the basement will not unduly impact on the character and appearance of the conservation area and are therefore supported.

- 6.4 The works to the rear of the building are not supported as the alteration to the fenestration will have a negative impact on the character and appearance of the conservation area and therefore will not comply with policy 4/11 of the Local Plan 2006.

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 the following addresses have made representations:

- 27 Canterbury Street
- Flat 8, 25 Benson Street

- 7.2 The representations can be summarised as follows:

- Concerned that a basement could be allowed as it is an overcrowded area.
- Concerned that work could take place from 8.00 to 18.00.
- Neighbouring property that is converted into flats could experience a loss in value and rental income.
- Neighbours weren't consulted prior to the application being made.
- Block Plan is inaccurate and fails to show increased rear visibility at No.27 Benson Street will directly impact the privacy of No.27 Canterbury Street. Concerned with concertina doors at first floor level leading to overlooking.
- Rear elevation view does not clearly show the future look of the build. Concrete stairwell will not harmonise with the rear of the building.
- The plans fail to clearly indicate the increased projection of the building.
- A 15+m tree that was in the garden of 27 Benson Street was removed shortly before the date on the planning application form. This loss has reduced the privacy of neighbours.
- Increase in resident activity in the small rear garden.
- Increased parking pressures on Benson Street.

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
3. Residential amenity
4. Refuse arrangements
5. Car and cycle parking
6. Third party representations
7. Planning Obligation Strategy

Principle of Development

8.2 Policy 3/1 of the Local Plan states that development will be permitted if it meets the principles of sustainability.

8.3 Policy 3/4 of the Local Plan explains that developments will be permitted which demonstrate that they have responded to their context and drawn inspiration from the key characteristics of their surroundings to create distinctive places.

8.4 Planning permission was granted in 1986 for the conversion of No.27 Benson Street into three flats. The neighbouring property of No.25 Benson Street has also been converted into flats. Part of the lower floor flat at this neighbouring property is situated below ground floor level. No.29 Benson Street is vacant. The street contains a mixture of houses and flats. The proposed additional flat at the property is consistent with the surrounding residential uses.

8.5 The proposal involves creating an enclosed stairwell to access the upper floor flats and to replace an existing timber stairwell structure. The existing ground and first floor flats would be extended with an extension projecting up to 2.93m from the rear wall of No.29 Benson Street, this abuts the proposed stairwell. The existing first floor terraced area and ground floor extension would be removed. An assessment of the impact of the

proposal on the conservation area and surrounding properties is included in the sections below.

- 8.6 In my opinion, the principle of the development is acceptable and in accordance with policies 3/1 and 3/4.

Context of site, design and external spaces

- 8.7 The site lies within the Central Conservation Area. Cambridge City Council's Conservation Officer supports the proposed basement as it will not unduly impact on the streetscene as the existing boundary hedge will remain in place. I agree with these comments. However, they have concern over the choice of fenestration and use of bi-folding doors and Juliet balconies on all four levels as it does not adhere to the traditional hierarchy of windows, which should get smaller as they move up through the building. The rear of the site is visible from the highway and the Conservation Officer believes this would be detrimental to the character and appearance of the conservation area.
- 8.8 The rear of the building is visible from Canterbury Street as it is the third property along the row of terraces. The glazed doors on the second floor flat are narrower than the glazed doors at the lower levels but all of the windows are tall, wide and contemporary in appearance. It is accepted that the proposed glazed sliding doors are larger than traditional windows. The rear fenestration of properties along Benson Street visible from Canterbury Street are not consistent in design and appearance. The glazing would be visible, but from an oblique angle. I do not consider the character at the back of these properties sufficiently strong or consistent enough to resist a contemporary glazing approach. The solution proposed is not uncommon for the area.
- 8.9 The proposed stairwell and two storey rear extension extend between 0.7m and 2.93m beyond the neighbours building lines. The planning application explains that the walls of the extensions would have a white render finish. The flat roof would be rubber with concrete slabs over. The Design and Access Statement refers to a concrete stairwell. It is recommended a condition be included if the application is approved to ensure the materials complement the appearance of the property. Concrete would not harmonise with the appearance of the property, although a render finish would. It is

considered that the extension would not be of excessive size and would harmonise with the appearance of the property. The property is set back from Canterbury Street and in my opinion the proposed extensions would preserve the character and appearance of the conservation area.

- 8.10 The third party comments refer to the removal of a tree in the rear garden of the property. I spoke with the applicant about this matter. They explained that a Leylandii hedge of about 10 foot in height was removed around 2 years ago. The address was included within the Central Conservation Area extension in 26th June 2012 and therefore its removal would not have required tree works consent.
- 8.11 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 4/4 and 4/11.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.12 The proposed stairwell would extend 0.7m beyond the building line of No.25 Benson Street. This property is converted into flats and is orientated to the southwest of the proposal. It is considered this minimal depth and the orientation of the building would avoid it experiencing an unreasonable loss of light as a result of the proposal. No flank windows would face this neighbour and therefore there would be no harm to the privacy of this neighbour. The proposed extension due to its depth and position, would not adversely harm outlook to this neighbouring property. The proposed basement flat would not be easily seen from this neighbour, although it is accepted that construction and demolition works would have the potential to harm their amenity. It is therefore recommended a condition controlling the hours of construction work, demolition and plant operations be included, if the application is approved.
- 8.13 No.29 Benson Street is located to the northeast of the application site. This is a vacant property within the ownership of the applicant. The proposed extensions would project up to 2.93m beyond the building line of this neighbour. This neighbouring property is in a poor condition and is uninhabitable. The proposed ground floor balcony and two storey extension are located adjacent to this neighbour. The

proposed balcony is at ground floor level and would not lead to overlooking. There are no flank windows affecting this neighbour and therefore it would not experience a loss of privacy. The introduction of a two storey extension by the boundary would not be significantly harmful.

- 8.14 No.27 Canterbury Street is located to the northwest of the application site. The rear garden of the application site and this neighbour border one another. No.27 Benson Street is located 13m from the rear garden of this property. It is considered that the proposed glazed windows on the two storey extension would not be significantly detrimental to the privacy of this neighbour's garden or property (which does not have flank windows facing the proposal). There is already a high degree of mutual overlooking. The proposal would not alter this significantly. There would be no loss of light due to the position of the proposed extensions.
- 8.15 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 and 3/7.

Amenity for future occupiers of the site

- 8.16 The Design and Access Statement explains that the proposed alterations to the existing flats will increase the building's thermal efficiency.
- 8.17 The enclosed stairwell would improve the flats for the occupiers. The glazed doors at the rear would increase the amount of light reaching the flats. The proposed flats are of an adequate size and are considered acceptable.
- 8.18 The proposed basement flat would have stairwells at the front and rear which would allow light to reach the habitable rooms. There would be access down to the flats from the front and rear via stairwells. The accommodation is considered to be of an acceptable standard.
- 8.19 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is

compliant with Cambridge Local Plan (2006) policies 3/7 and 3/14.

Refuse Arrangements

- 8.20 Refuse and recycling bins are located in the front garden for the flats. The provision is considered acceptable.
- 8.21 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Car and Cycle Parking

Car Parking

- 8.22 There is no existing car parking provision for the existing three flats at the property. The proposal includes an additional basement flat. Highways were consulted about the scheme. They explained that if planning permission is granted and is then implemented, then none of the residents of the site (including the existing flats) would qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Scheme operating on surrounding streets. It is recommended an informative is included if planning permission were granted to advise the applicant of this.

Cycle Parking

- 8.23 The planning application refers to the provision of eight cycle parking spaces for the flats. Details have not been shown on the drawings. It is therefore recommended that further details are submitted by way of a condition, if the application were to be approved.
- 8.24 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.25 Overcrowding was raised as a concern by a resident. I consider that the provision of a one bedroom flat would not lead to overcrowding at the property or put unreasonable pressures on the surrounding area.

- 8.26 The impact on a neighbour in terms of loss of value to property is not a material planning consideration.
- 8.27 It is not essential for developers to consult neighbours prior to a planning application being submitted.
- 8.28 Rear and front elevation drawings, floor plans and section drawings have been submitted as part of the planning application. It is considered there is sufficient detail to enable this application to be assessed.
- 8.29 The addition of one flat at the property is unlikely to lead to unreasonable levels of noise disturbance at the property and in the garden to warrant refusal.

Planning Obligations

- 8.30 The Community Infrastructure Levy Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. If the planning obligation does not pass the tests then it is unlawful. The tests are that the planning obligation must be:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.

In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements. The Planning Obligation Strategy (2010) provides a framework for expenditure of financial contributions collected through planning obligations. The applicants have indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Strategy and relevant Supplementary Planning Documents. The proposed development triggers the requirement for the following community infrastructure:

Open Space

- 8.31 The Planning Obligation Strategy requires that all new residential developments contribute to the provision or

improvement of public open space, either through provision on site as part of the development or through a financial contribution for use across the city. The proposed development requires a contribution to be made towards open space, comprising outdoor sports facilities, indoor sports facilities, informal open space and provision for children and teenagers. The total contribution sought has been calculated as follows.

- 8.32 The application proposes an additional one x one-bedroom flat. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom flats are assumed to accommodate 1.5 people. Contributions towards provision for children and teenagers are not required from one-bedroom units. The totals required for the new buildings are calculated as follows:

Outdoor sports facilities					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	238	238		
1 bed	1.5	238	357	1	357
2-bed	2	238	476		
3-bed	3	238	714		
4-bed	4	238	952		
Total					357

Indoor sports facilities					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	269	269		
1 bed	1.5	269	403.50	1	403.50
2-bed	2	269	538		
3-bed	3	269	807		
4-bed	4	269	1076		
Total					403.50

Informal open space					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	242	242		
1 bed	1.5	242	363	1	363
2-bed	2	242	484		
3-bed	3	242	726		
4-bed	4	242	968		
Total					363

Provision for children and teenagers					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	0	0		0
1 bed	1.5	0	0		0
2-bed	2	316	632		
3-bed	3	316	948		
4-bed	4	316	1264		
Total					0

8.33 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 3/8 and 10/1 and the Planning Obligation Strategy 2010 and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010)

Community Development

8.34 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to community development facilities, programmes and projects. This contribution is £1256 for each unit of one or two bedrooms and £1882 for each larger unit. The total contribution sought has been calculated as follows:

Community facilities			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256	1	1256
2-bed	1256		
3-bed	1882		
4-bed	1882		
Total			1256

8.35 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

Waste

8.36 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the provision of household waste and recycling receptacles on a per dwelling basis. As the type of waste and recycling containers provided by the City Council for houses are different from those for flats, this contribution is £75 for each house and £150 for each flat. The total contribution sought has been calculated as follows:

Waste and recycling containers			
Type of unit	£per unit	Number of such units	Total £
House	75		
Flat	150	1	150
Total			150

8.37 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

Monitoring

- 8.38 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the costs of monitoring the implementation of planning obligations. The costs are calculated according to the heads of terms in the agreement. The contribution sought will be calculated as £150 per financial head of term and £300 per non-financial head of term. Contributions are therefore required on that basis.

Planning Obligations Conclusion

- 8.39 It is my view that the planning obligation is necessary, directly related to the development and fairly and reasonably in scale and kind to the development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010.

9.0 CONCLUSION

- 9.1 The proposal would preserve the character and appearance of the Conservation Area and would not be significantly detrimental to the amenity of neighbouring properties. The application is supported.

10.0 RECOMMENDATION

1. APPROVE subject to the satisfactory completion of the s106 agreement by 28th March 2013 and subject to the following conditions and reasons for approval:

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 51 of the Planning and Compulsory Purchase Act 2004.

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

3. Except with the prior written agreement of the local planning authority in writing no construction work or demolition shall be carried out or plant operated other than between the following hours: 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2006 policy 4/13)

4. Except with the prior agreement of the local planning authority in writing, there should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0700 hrs and 1900 hrs on Monday Saturday and there should be no collections or deliveries on Sundays or Bank and public holidays.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2006 policy 4/13)

5. No development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the demolition / construction period, including wheel washing, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

To satisfy the above the applicant should have regard to the Councils Supplementary Planning Document Sustainable Design and Construction 2007, and the Control of dust and emissions from construction and demolition - Best Practice Guidance produced by the London Councils.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2006 policy 4/13)

6. No development shall commence until details of facilities for the covered, secured parking of bicycles for use in connection with the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

Reason: To ensure appropriate provision for the secure storage of bicycles. (Cambridge Local Plan 2006 policy 8/6)

Informative: The implementation of this planning permission would mean that the residents of both the existing and proposed flats would not qualify for Residents' Parking Scheme permits (other than visitor permits). If you require more information, you should contact Ian Dyer in the Highways team at Cambridgeshire County Council on 01223 703596.

Reasons for Approval

1. This development has been approved subject to conditions and the prior completion of a section 106 planning obligation (/a unilateral undertaking), because subject to those requirements it is considered to conform to the Development Plan as a whole, particularly the following policies:

Cambridge Local Plan (2006): 3/1, 3/4, 3/6, 3/7, 3/11, 3/14, 4/11, 4/13, 5/1, 5/5, 8/2, 8/4, 8/6, 8/10, 8/17, 10/1

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

3. In reaching this decision the local planning authority has acted on guidance provided by the National Planning Policy Framework, specifically paragraphs 186 and 187. The local planning authority has worked proactively with the applicant to bring forward a high quality development that will improve the economic, social and environmental conditions of the area.

These reasons for approval can be a summary of the reasons for grant of planning permission only. For further details on the decision please see the officer report online at www.cambridge.gov.uk/planningpublicaccess or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.

2. Unless prior agreement has been obtained from the Head of Planning, in consultation with the Chair and Spokesperson of this Committee to extend the period for completion of the Planning Obligation required in connection with this development, if the Obligation has not been completed by 28th March 2013, or if Committee determine that the application be refused against officer recommendation of approval, it is recommended that the application be refused for the following reason(s):

The proposed development does not make appropriate provision for public open space, community development facilities, waste facilities, waste management and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 5/5, 5/14 and 10/1 and as detailed in the Planning Obligation Strategy 2010, the Open Space Standards Guidance for Interpretation and Implementation 2010, Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document 2012.

3. In the event that the application is refused, and an Appeal is lodged against the decision to refuse this application, delegated authority is sought to allow officers to negotiate and complete the Planning Obligation required in connection with this development

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Under Section 100D of the Local Government Act 1972, the following are background papers for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;

4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses exempt or confidential information
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected on the City Council website at:
www.cambridge.gov.uk/planningpublicaccess
or by visiting the Customer Service Centre at Mandela House.