

Application Number	13/0228/FUL	Agenda Item	
Date Received	28th February 2013	Officer	Miss Catherine Linford
Target Date	25th April 2013		
Ward	Castle		
Site	5 Benson Street Cambridge Cambridgeshire CB4 3QJ		
Proposal Applicant	Garage conversion to a two bedroom dwelling. Mrs Margaret Jones 5 Benson Street Cambridge Cambridgeshire CB4 3QJ		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposed house would not be out of character with the surrounding area; 2. The proposed house would not have a significant detrimental impact on the occupiers of neighbouring properties; and 3. The proposed house would not have a significant detrimental impact on the demand for on-street parking spaces.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The subject of this application is the garage associated with 5 Benson Street, which is situated on the southwestern side of Westfield Lane. The surrounding area is predominantly residential. Westfield Lane runs parallel with Huntingdon Road and this section of Westfield Lane mainly consists of garages, which are located at the ends of the gardens of properties on

Huntingdon Road. On the opposite side of Westfield Lane to the site there is an apartment building and further along Westfield Lane, between the junctions of Priory Street and Westfield Road there are a number of 'one-off' houses, built at the back of properties facing Huntingdon Road.

- 1.2 The site is within City of Cambridge Conservation Area 1 (Central) and is within the Controlled Parking Zone (CPZ).

2.0 THE PROPOSAL

- 2.1 Full planning permission is sought to convert the existing garage into a two bedroom dwelling. Externally, the works will involve:

- Raising the eaves and ridge height of the building by 0.8m to provide a first floor;
- North/front elevation - Replacing the garage door with an entrance door and window, and adding a window at first floor level;
- South/rear elevation – Adding a window at first floor level;
- East/side elevation – Removing the door

- 2.2 The area to the rear of the garage is currently part of the garden of 5 Benson Street. A 4.7m deep piece of land directly behind the building will become a garden for the new dwelling, with the rest up to the common boundary with 50 Huntingdon Road remaining in the use of 5 Benson Street.

- 2.3 Bin and cycle storage will be provided in the rear garden, with access to Benson Street via a shared pathway, which runs down the side of 1 Benson Street and along the back of 1 and 3 Benson Street.

- 2.4 The application is accompanied by the following supporting information:

- 1 . Design and Access Statement

3.0 SITE HISTORY

Reference	Description	Outcome
C/91/0716	Erection of conservatory	A/C
C/92/0830	Erection of garage	A/C

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, 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
Cambridge Local Plan 2006	3/1 3/4 3/7 3/8 3/10 3/11 3/12 4/11 5/1 5/14 8/6 8/10 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
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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)
	<u>Citywide:</u> Cycle Parking Guide for New Residential Developments

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 The application removes an existing garage, and will, therefore decant the demand currently accommodated by that garage onto the surrounding street, as the existing dwelling will retain full rights to Residents Parking Permits within the Residents Parking Scheme currently operating on the surrounding streets. The proposal therefore has potential to impact on the amenity of nearby residential units.
- 6.2 The existing vehicular access should be removed and replaced with a full faced kerb, and the existing Traffic Regulation Order controlling the on-street parking amended to allow the parking bay to be extended across the location of the existing vehicular access. This must be required by condition of any permission that the Planning Authority is minded to grant in regard to this proposal in order to offset the potential increase in demand for on-street parking engendered by the development and all modifications to the public highway and Traffic Regulation Order must be carried out at no cost to the Highway Authority.

- 6.3 Otherwise, the proposal should have no significant impact on the public highway. A condition is recommended requiring a traffic management plan.

Head of Environmental Services

- 6.4 No objection. A condition is recommended relating to construction hours.

Urban Design and Conservation Team

- 6.5 Comments have not yet been received. They will be attached to the Amendment Sheet.
- 6.6 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:
- 50 Huntingdon Road
 - 52 Huntingdon Road
- 7.2 The representations can be summarised as follows:
- The height of the building will increase by 800mm, which would double the height of the blank brick wall facing 52 Huntingdon Road
 - Overshadowing
 - On this part of Westfield Lane there are no residential buildings accessing Westfield Lane on this side
 - The loss of the garage will mean that these cars will park on the street
 - Over 20 years ago a similar plan was refused
 - Overlooking
- 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 5/1 of the Cambridge Local Plan (2006) states that proposals for housing developments on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses. The site is within a predominantly residential area and therefore it is my opinion that the proposed residential use is compatible with adjoining uses and acceptable in principle.

8.3 Policy 3/10 of the Cambridge Local Plan (2006) explains that residential development within the curtilage of existing properties will not be permitted if it will:

- a) Have a significant adverse impact on the amenities of neighbouring properties through loss of privacy, loss of light, an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise nuisance;
- b) Provide inadequate amenity space or vehicular access arrangements and parking spaces for the proposed and existing properties;
- c) Detract from the prevailing character and appearance of the area;
- d) Adversely affect the setting of Listed Buildings, or buildings or gardens of local interest within or close to the site;
- e) Adversely affect trees, wildlife features or architectural features of local importance located within or close to the site; and
- f) Prejudice the comprehensive development of the wider area of which the site forms part.

- 8.4 The proposed new dwelling would not prejudice the development of neighbouring sites. Parts d) and e) of this policy are not relevant to this application. Parts a) b) and c) will be addressed later on in this report.
- 8.5 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1 and part f) of policy 3/10 of the Cambridge Local Plan (2006).

Context of site, design and external spaces

- 8.6 The proposed works to the building involve raising the height of the building by 0.8m to provide a first floor; at the front, replace the garage door with an entrance door and window, and add a window at first floor level; at the rear, add a window at first floor level; and remove the door at the side.
- 8.7 There are no other dwellings accessed from this side of this section of Westfield Lane, with the exception of a detached house on the corner of Westfield Lane and Priory Street. However, there are a number of one-off houses further along Westfield Lane, and it is my opinion that it would be unreasonable to refuse the provision of an additional house in principle.
- 8.8 Along this section of Westfield Lane (between the junctions of Benson Street and Priory Street), the garage is the second building of a short row of garages and boundary walls, which are different in design. The building is the tallest of these, but as it is not increasing significantly in height it is my opinion that the proposals would not be make it out of scale with the neighbouring buildings, or out of character with its surroundings as long as the materials used are appropriate (condition 4). As Westfield Lane is made up of buildings that differ radically in design, it is my view that the building would preserve the character and appearance of this part of the Conservation Area.
- 8.9 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12, 4/11 and part c) of policy 3/10.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.10 The proposed dwelling will have a window at first floor level at the rear serving a bedroom. This window will look out towards the (14m long) rear garden of 50 Huntingdon Road. This arrangement and the relative proximity of building forms has been accepted further along Westfield Lane, with the development of the houses between Priory Street and Westfield Road, and it is my view that it would be unreasonable not to accept it here. The distance between the rear of the new dwelling and the rear of 50 Huntingdon Road would be substantial (over 20m), in my view, and although views would be possible and are not currently experienced from this angle, I do not consider that they would unduly impact on the residential amenity of this neighbour in terms of their enjoyment of their house and garden to such a degree to justify refusal of the application.
- 8.11 Oblique views would be possible towards the rear gardens of 1, 3 oblique angle between the proposed house and its neighbours any views will not be direct and will not be significantly detrimental, in my view, to justify refusal.
- 8.12 The proposed dwelling will be to the northwest of 5 and 7 Benson Street and could therefore overshadow these neighbours in the late afternoon; and to the southwest of the garden of 52 Huntingdon Road and could overshadow this neighbour's rear garden in the morning. However, the proposed building is only 0.8m taller than the existing building, which stands in exactly the same location as the proposed building, on the same footprint. It is my opinion, that the taller proposed building would not overshadow these neighbours to any significantly greater degree than the existing currently does and therefore this could not justify the refusal of planning permission. The proposed dwelling would stand to the northeast of 50 Huntingdon Road, but due to the distance between the proposed dwelling and the common boundary, it is my opinion that it would not overshadow this neighbour.
- 8.13 Building works are noisy and disturbing and this cannot be prevented. However, the impact of it can be reduced by

controlling contractor working and hours and deliveries (conditions 2 and 3)

- 8.14 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 and part a) of policy 3/10.

Amenity for future occupiers of the site

- 8.15 The proposed new dwelling will have a rear garden of 4.7m in depth, and in my opinion the living accommodation proposed is of a satisfactory quality.
- 8.16 In my opinion the proposal 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 3/12 and part b) of policy 3/10.

Refuse Arrangements

- 8.17 It is proposed that bin storage is provided in the rear garden of the new house, with the bins taken to the street for collection via the access path to the side of 1 Benson Street. This is acceptable.
- 8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12 and part b) of policy 3/10.

Car and Cycle Parking

Car Parking

- 8.19 The application results in the loss of the garage of 5 Benson Street and as the occupiers of the existing house could be entitled to Residents' Parking Permits this could put one additional car onto the street. The occupiers of the new house will not be entitled to Residents' Parking Permits. They will be entitled to Visitors Permits but it is my opinion that this will not put significant additional pressure on on-street parking spaces. In my opinion, the potential impact of this additional car (from the existing house) parking on the street could be minimal and would not justify the refusal of planning permission.

- 8.20 There is currently a dropped kerb in front of the garage and the Local Highway Authority has suggested that this should be removed and replaced with a full faced kerb, and the existing Traffic Regulation Order controlling the on-street parking amended to allow the parking bay to be extended in front of the building. The Highway Authority has recommended a condition requiring this to take place. A Grampian condition can require this to take place (condition 5).

Cycle Parking

- 8.21 A cycle store is proposed in the rear garden of the new house. This could be accessed via the pathway alongside 1 Benson Street, without going through the house and is acceptable in principle. It is recommended that details of this are secured by condition (condition 6).
- 8.22 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10 and part b) of policy 3/10.

Third Party Representations

Over 20 years ago a similar plan was refused

- 8.23 I have looked at the history of the site and have been unable to locate any previous applications. Nevertheless, each application is assessed on its own merits and the refusal of a previous application does not necessary mean that subsequent application should also be refused. It should also be noted that an application this long ago would have been assessed under different legislation and policies.

Planning Obligations

- 8.24 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

8.25 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.

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		
2-bed	2	238	476	1	476
3-bed	3	238	714		
4-bed	4	238	952		
Total					476

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		
2-bed	2	269	538	1	538
3-bed	3	269	807		
4-bed	4	269	1076		
Total					538

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		
2-bed	2	242	484	1	484
3-bed	3	242	726		
4-bed	4	242	968		
Total					484

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	1	632
3-bed	3	316	948		
4-bed	4	316	1264		
Total					632

8.26 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) has been completed. I am, therefore, 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

- 8.27 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		
2-bed	1256	1	1256
3-bed	1882		
4-bed	1882		
Total			1256

- 8.28 A S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) has been completed. I am, therefore, 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

- 8.29 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	1	75
Flat	150		
Total			75

8.30 A S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) has been completed. I am, therefore, 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

8.31 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

8.32 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 In my opinion, the proposed dwelling would not be out of character with its surroundings or the Conservation Area, nor would it have a significant detrimental impact on the residential amenity of neighbours or place significant pressure on the demand for on-street car parking spaces. Therefore, the application is recommended for approval subject to conditions.

10.0 RECOMMENDATION

1. **APPROVE** 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. Except with the prior written agreement of the local planning authority 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)

3. Except with the prior written agreement of the local planning authority, 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: Due to the proximity of residential properties to this premises and that extensive refurbishment will be required, the above conditions are recommended to protect the amenity of these residential properties throughout the redevelopment in accordance with policies 4/13 and 6/10 of the Cambridge Local Plan (2006)

4. 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)

5. Prior to the commencement of development the dropped kerb in front of the existing garage shall be removed and replaced with a full faced kerb, and the existing Traffic Regulation Order controlling the on-street parking amended to allow the parking bay to be extended in front of the building.

Reason: To minimise the impact on on-street parking. (Cambridge Local Plan 2006, policy 8/2)

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: New development can sometimes cause inconvenience, disturbance and disruption to local residents, businesses and passers by. As a result the City Council runs a Considerate Contractor Scheme aimed at promoting high standards of care during construction. The City Council encourages the developer of the site, through its building contractor, to join the scheme and agree to comply with the model Code of Good Practice, in the interests of good neighbourliness. Information about the scheme can be obtained from The Considerate Contractor Project Officer in the Planning Department (Tel: 01223 457121).

INFORMATIVE: The residents of the new dwelling will not qualify for Residents' Parking Permits

INFORMATIVE: This planning permission should be read in conjunction with the associated deed of planning obligation prepared under s.106 of the Town and Country Planning Act 1990 (as amended). The applicant is reminded that under the terms of the s106 Agreement you are required to notify the City Council of the date of commencement of development.

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:

Cambridgeshire and Peterborough Structure Plan 2003: P6/1, P9/8;

Cambridge Local Plan (2006): 3/1, 3/4, 3/7, 3/8, 3/10, 3/11, 3/12, 4/11, 5/14, 8/6, 8/10;

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 Mon 8am - 5:15pm, Tues, Thurs & Fri 9am - 5:15pm, Weds 9am - 6pm.