

<b>Application Number</b>	13/0102/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	30th January 2013	<b>Officer</b>	Mr Amit Patel
<b>Target Date</b>	27th March 2013		
<b>Ward</b>	Abbey		
<b>Site</b>	Garages To Rear Of 76 Abbey Road And 12 Riverside Cambridge Cambridgeshire		
<b>Proposal</b>	Proposed conversion of existing lock-up garages to form 2No. 1.5 storey dwellings		
<b>Applicant</b>	Mr James Arnold Bennell Farm West Street Comberton Cambridge Cambridgeshire CB23 7DS		

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

- 1.1 The site is a pair of garages located between 68 and 76 Abbey Road close to the junction with Riverside. The area is predominately residential in character with two storey terrace houses finished in brick with slate roof.
- 1.2 To the north of the site is the number 76, to the south is number 68 and to the east is the rear garden of 13 Riverside and to the west is the public highway and car park immediately opposite the site. The topography of the area means that the roof has an incline running north to south.
- 1.3 The site falls within Conservation Area and there are no listed buildings close by. The site falls within the controlled parking zone. The site falls within a Flood Risk Zone 2.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is to convert the existing garages into two one-bedroom flats. The main changes to the building are:
1. Raising the eaves height by 400mm to 3.3m from 3.7m
  2. Increase the ridge height from 3.8m to 4.2m
  3. Addition of roof lights to front and rear slopes of the roof

4. Change in the street elevation by changing the middle garage door to a glazed door
5. Landscaping to the front.

2.2 The application is accompanied by the following supporting information:

1. Design Statement
2. Flood Risk Assessment
3. Plans

### **3.0 SITE HISTORY**

No site history relevant to this application.

### **4.0 PUBLICITY**

4.1 Advertisement:	Yes
Adjoining Owners:	Yes
Site Notice Displayed:	Yes

### **5.0 POLICY**

#### **5.1 Central Government Advice**

##### **National Planning Policy Framework (March 2012)**

The National Planning Policy Framework sets out the Government's economic, environmental and social planning policies for England. These policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations.

##### **Circular 11/95 – The Use of Conditions in Planning Permissions**

**Community Infrastructure Levy Regulations 2010** – places a statutory requirement on the local authority that where planning permission is dependent upon a planning obligation the obligation must pass the following tests:

- (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.

## 5.2 **Cambridge Local Plan 2006**

3/1 Sustainable development  
3/4 Responding to context  
3/7 Creating successful places  
3/10 Subdivision of existing plots  
3/11 The design of external spaces  
3/12 The design of new buildings  
3/14 Extending buildings  
4/11 Conservation Areas  
5/1 Housing provision  
5/5 Meeting housing needs  
8/1 Spatial location of development  
8/2 Transport impact  
8/4 Walking and Cycling accessibility  
8/6 Cycle parking  
8/10 Off-street car parking

### Planning Obligation Related Policies

3/8 Open space and recreation provision through new development  
3/12 The design of new buildings  
5/14 Provision of community facilities through new development  
10/1 Infrastructure improvements

## 5.3 **Supplementary Planning Documents**

Cambridge City Council (May 2007) – Sustainable Design and Construction:  
Cambridge City Council (March 2010) – Planning Obligation Strategy

## 5.4 **Material Considerations**

### **Central Government Guidance**

**Written Ministerial Statement: Planning for Growth (23 March 2011)**

Includes the following statement:

When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant and consistent with their statutory obligations they should therefore:

(i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;

(ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;

(iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);

(iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;

(v) ensure that they do not impose unnecessary burdens on development.

In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.

## **City Wide Guidance**

Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010)

## **6.0 CONSULTATIONS**

### **Cambridgeshire County Council (Engineering)**

- 6.1 The proposed dwellings would not qualify for Residents Parking permits except those for visitors, but the site is close to streets where there is no control and this would lead to high competition in those streets if the occupiers were to keep cars. Condition sought relating to removing the existing dropped kerb and funding a Traffic Regulation Order. Informatives suggested regarding public utilities, approval of any highway works by County Highways and avoidance of encroachment onto the public highway.

### **Head of Environmental Services**

- 6.2 The properties should have three 140 litre bins and a condition relating to working hours.

### **Historic Environment Manager**

- 6.3 The application is supported with conditions relating to approval of external colours, brickwork, roof lights and roofing materials.
- 6.4 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:

- 68 Abbey Road

- 7.2 The representations can be summarised as follows:

- The raise in height by 400 or 450mm would create a sense of enclosure;
- Reduce the level of natural light into our first floor windows on the gable end;
- The character of our entrance would be impacted upon.

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. Highway safety
6. Car and cycle parking
7. Third party representations
8. Planning Obligation Strategy

### **Principle of Development**

8.2 Policy 5/1 of the Cambridge Local Plan explains that provision is made for an increase of 12,500 dwellings over the period 1999-2016; although it recognises that many of these will be from larger sites within the urban area and in the urban extensions, development for housing on windfall sites, such as this, will be permitted subject to the existing land use and compatibility with adjoining uses.

### **Context of site, design and external spaces and impact on the Conservation Area**

8.3 This is a residential area. Comments have been received about the proposal impacting upon the character of the entrance to number 68. I do not consider that this will be the case as the proposal is not increasing in foot print to cover or hide the entrance which will still be visible in the street. The main change to the street elevation is the central door, which is being replaced with a window in a more modern idiom, which is supported by the Conservation Officer. Other changes create a landscaped front area and bin storage, which is also supported. Other properties in the locality have small front gardens, a pattern which is being replicated here. As this is a very constrained site the bin location, to the front, uses the existing

boundary walls to the north and south to hide this from views up and down the street and this is welcomed as it will not appear to clutter the frontage. The choice of external materials will be key; I support the conditions suggested by the Conservation Officer about brickwork and roofing details, but in my view those suggested with respect to rooflights and paintwork are not in accordance with Circular 11/95. Subject to conditions, I do not consider that this proposal will have a harmful impact

- 8.4 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/14.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.5 Comments have been received about the proposal impacting upon the number 68 through the loss of light and sense of enclosure. The proposal is increasing in height by 400mm at the eaves and ridge. The roof design is hipped, the building is much lower than number 68 and is set away from the gable of that house by 1.3m. Taking all these factors into account and the fact that the proposed development is sited north of number 68, I do not consider that No. 68 will lose light or suffer enclosure to an extent that would warrant a refusal.
- 8.6 The proposed units lie to the south of 76 Abbey Road and 13 Riverside. Given the hipped design of the roof and the limited increase in height of 400mm, the proposal would not in my opinion have a significant overshadowing or enclosing impact upon these neighbours.
- 8.7 There are roof lights proposed in the rear elevation serving the internal stairs. There is the potential for some over looking from these roof lights to the rear. However, if they are obscure glazed and any opening is at least 1.7m above floor level I do not consider the adjoining neighbours would suffer loss of privacy from these windows. I recommend a condition accordingly. The front roof lights overlook a car park area. This would improve natural surveillance and would not create any new overlooking.
- 8.8 In my opinion, subject to condition, 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

8.9 The footprint of the building is not changing and although this will not provide external private amenity space for future occupiers I consider that this is acceptable, given that these are one-bedroom properties which are close to large open spaces of Midsummer Common and Jesus Green.

8.10 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 3/12.

### **Refuse Arrangements**

8.11 The proposal shows two bins in the front area. The City Council has a three-bin policy and would require an additional bin for each dwelling. I consider that there is room on site to accommodate this and therefore recommend a condition to control this.

8.12 Subject to condition, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Highway Safety**

8.13 The local highway authority raises no issues relating to safety, and in my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

8.14 There is no car parking associated with the development and this is in accordance with the Council's car parking standards. In my view there is a strong likelihood that occupiers of such small units in so sustainable a location would elect not to keep a car. Parking in the immediate area is in any case, controlled. I do not consider that the highway authority's request for a condition requiring the applicant to partly fund reinstatement of the kerb and creation of a Traffic Regulation Order can be

justified. There is cycle parking space internally for a single cycle, and this is in line with the cycle parking standards in the Cambridge Local Plan (2006).

- 8.15 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Third Party Representations**

- 8.16 The third party comments have been addressed in the report above.

### **Planning Obligation Strategy**

#### **Planning Obligations**

- 8.17 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

- 8.18 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.

- 8.19 The application proposes the creation of two one-bedroom houses. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom units 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:

<b>Outdoor sports facilities</b>					
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	714
2-bed	2	238	476		
3-bed	3	238	714		
4-bed	4	238	952		
<b>Total</b>					<b>714</b>

<b>Indoor sports facilities</b>					
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	807
2-bed	2	269	538		
3-bed	3	269	807		
4-bed	4	269	1076		
<b>Total</b>					<b>807</b>

<b>Informal open space</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such	Total £

				units	
studio	1	242	242		
1 bed	1.5	242	363	2	726
2-bed	2	242	484		
3-bed	3	242	726		
4-bed	4	242	968		
<b>Total</b>					<b>726</b>

8.20 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 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

8.21 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:

<b>Community facilities</b>			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256	2	2512
2-bed	1256		
3-bed	1882		
4-bed	1882		
<b>Total</b>			<b>2512</b>

8.22 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

- 8.23 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:

<b>Waste and recycling containers</b>			
Type of unit	£per unit	Number of such units	Total £
House	75	2	150
Flat	150		
<b>Total</b>			<b>150</b>

- 8.24 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

- 8.25 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, £300 per non-financial head of term. Contributions are therefore required on that basis.

## Planning Obligations Conclusion

- 8.26 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 RECOMMENDATION

**APPROVE** subject to the following conditions:

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

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. All new brickwork shall match exactly the historic work nearby in terms of bond, mortar mix design, joint thickness, pointing technique, brick dimension, colour and texture, etc.

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2006, policy 4/11)

3. No roofs shall be constructed until full details of the type and source of roof covering materials and the ridge, eaves and hip details, if appropriate, have been submitted to the local planning authority as samples and approved in writing. Roofs shall thereafter be constructed only in accordance with the approved details.

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2006, policy 4/11)

4. The rooflights hereby permitted in the rear roof slope of the building shall be obscure glazed, and any point of opening shall be at least 1.7m above stair level at that point.

Reason: to protect the privacy of neighbouring occupiers. (Cambridge Local Plan 2006 policy 3/4)

5. No development shall take place until full details of waste storage facilities allowing for three separate bins per unit have been submitted to and approved in writing by the local planning authority. The units shall not be occupied until the approved waste storage provision has been installed.

Reason: To ensure adequate waste storage. (Cambridge Local Plan policy 3/12)

6. 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)

**INFORMATIVE:** The applicant is advised that this development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicants responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

**INFORMATIVE:** The applicant is advised that public utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.

**INFORMATIVE:** The applicant is advised that following implementation of any Permission issued by the Planning Authority in regard to this proposal the residents of the new dwelling will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets.

### **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:  
policies P6/1 and P9/8

Cambridge Local Plan (2006): policies 3/1, 3/4, 3/7, 3/8, 3/11,  
3/14, 5/1, 8/6 and 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](http://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.