

Application Number	13/0352/FUL	Agenda Item	
Date Received	22nd March 2013	Officer	Mr Tony Collins
Target Date	17th May 2013		
Ward	West Chesterton		
Site	2A Aylestone Road Cambridge Cambridgeshire CB4 1HF		
Proposal	Separate dwelling status for the studio from 58 De Freville Avenue.		
Applicant	Mr Simon Young The Studio 2A Aylestone Road Cambridge CB4 1HF		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is part of a residential curtilage on the corner of De Freville Avenue and Aylestone Road. It falls within the City of Cambridge Conservation Area No.11 (De Freville). It is outside the controlled parking zone.

2.0 THE PROPOSAL

- 2.1 The application seeks approval for use of the building as a separate dwelling.

3.0 SITE HISTORY

- 3.1 The application site currently forms part of the curtilage of 58 De Freville Avenue. There is a long and complex planning history on the site.

85/0908	Alterations and extensions to existing dwelling house.	Approved with conditions
94/0158	Extension to house (three storey rear extension) and erection of two storey garage with studio above	Approved with conditions
98/0552	Change of use from one to two dwellings (main house and rear annex/ studio),	Approved with conditions

	extension to rear flat roof of main house to create pitched roof and minor alterations to annex.	
03/1254	Alterations and extensions to single storey part of dwelling	Approved with conditions
07/0189	Erection of first floor side/rear extension	Refused
07/0507	First floor side and rear extension	Refused
07/1425	First floor side and rear extension	Refused
08/0765	Amendment to 03/1254 (ground floor only)	Refused
09/0518	Amendment to ground floor north elevation, including changes to roof, walls and windows	Refused
09/0853	Amendments to ground floor north elevation including changes to roof, wall and windows.	Approved with conditions
10/0924	Minor changes to window positions and specification	Approved with conditions
11/0625	Minor window changes; reduce one in size and remove 2 small windows.	Approved with conditions

3.2 The studio area above the garage appears to have been occupied for residential purposes at times since 1998, and the applicant has suggested that the permission granted under 98/0552 has been implemented. However Council officers, having inspected the site, did not find convincing evidence of this, and advised the applicant against making an application for a Certificate of Lawful Development for the separate use. The present application follows that advice.

4.0 PUBLICITY

4.1 Advertisement:	No
Adjoining Owners:	Yes
Site Notice Displayed:	No

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
Cambridge Local Plan 2006	3/1 3/4 3/7 3/10 4/11 5/1 8/6 8/10

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	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> Open Space and Recreation Strategy Cycle Parking Guide for New Residential Developments
	<u>Area Guidelines:</u> Conservation Area Appraisal: De Freville

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

6.1 Residents will not be eligible for residents' parking permits.

Head of Environmental Services

6.2 No adverse comments.

6.3 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 occupiers of the following addresses have made representations objecting:

2 Aylestone Road
13 Aylestone Road
17 Belvoir Road
60 De Freville Avenue
62 De Freville Avenue
65 De Freville Avenue

67 De Freville Avenue

7.2 The representations can be summarised as follows:

- overdevelopment
- 'garden eating'
- applicant has made many previous contentious applications; opportunity to give council and residents 'the run-around'
- annexe originally sanctioned only for family members
- non-compliance with earlier conditions
- harm to conservation area
- opportunity for extra windows
- garage used as workshop

7.3 The occupiers of the following address (who intend to purchase the original house at No. 58 De Freville Ave) have made representations supporting:

42 Kimberley Road

7.4 The representations can be summarised as follows:

- no adverse impact on No.58
- in accordance with local plan policy on additional housing.
- reflects earlier permission

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

Principle of Development

- 8.2 Policy 3/10 of the Cambridge Local Plan (2006) permits the subdivision of existing curtilages provided certain conditions are met. The tests referring to listed buildings, trees and wildlife, and comprehensive development are not relevant to this site, which means that the three relevant tests are:
- Avoidance of harm to neighbour amenity
 - Provision of adequate amenity space, vehicle access and car parking, and
 - Avoidance of harm to the character off the area.
- 8.3 The proposal involves no change to the existing building, so no issues of overlooking, overshadowing or visual domination arise. I do not consider that use as a separate dwelling will create any significant increase in noise or disturbance relative to the use as an annexe.
- 8.4 The Studio has a modest outdoor amenity space. It is used as a storage yard rather than a garden, but in my view, provided that it is not diminished by the erection of any extensions to The Studio, it is adequate for a small house. Vehicle access to this space is possible.
- 8.5 I do not consider that use of the building as a separate dwelling would change the character of the area in any way, nor that the change of use can constitute over-development.
- 8.6 Policy 5/1 permits housing development on windfall sites subject to the existing land use and compatibility with adjoining uses. As I have indicated above, I am of the view that this test is met.
- 8.7 In addition, permission has previously been granted for the use of this building as a separate dwelling, without any restriction on occupancy, although some respondents are clearly unaware of this. The previous permission is a material consideration, even though its weight is diminished by the intervening fifteen-year period. Although there have been many changes in planning circumstances in this time, including the adoption of two local plans, the superseding of earlier government guidance by the Framework, and the inclusion of the site in a conservation area,

I do not consider that any of these gives rise to any reason to refuse permission now.

- 8.8 In my opinion, the principle of the development is acceptable and in accordance with policies 3/4, 3/10 and 5/1 of the Cambridge Local Plan (2006).

Residential Amenity

- 8.9 I have considered this issue under the principle of development above.

Car, cycle and refuse arrangements

- 8.10 The garden or yard space provides adequate storage for car parking, cycles and waste bins. The fact that the building itself is not used for vehicle storage is not a reason to refuse this application.

- 8.11 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/12, 86, and 8/10.

Third Party Representations

- 8.12 I have addressed the issues of over-development, 'garden-grabbing', and the conservation area in paragraphs 8.3, 8.4 and 8.5 above, the use of the garage in paragraph 8.10, and the previous approval and its conditions in paragraph 8.7. The issue of potential extra windows can be addressed by a condition, which I recommend. Concerns expressed in representations about non-compliance with earlier conditions, confusing drawings in previous applications, and the applicant's response to earlier planning refusals and enforcement action do not in my view provide any reason to refuse this application.

Planning Obligations

- 8.13 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

8.14 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.

8.15 The application proposes the change of use of the building to a separate dwelling 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 separate dwelling 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

8.16 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

8.17 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

8.18 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

8.19 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		75
Flat	150		
Total			75

8.20 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

- 8.21 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

- 8.22 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 is in accordance with development plan policy relating to the subdivision of curtilages, the development of new housing and the protection of the conservation area. None of the changes in planning circumstances which have occurred since the earlier permission for this change of use was granted in 1998 provide any reason to refuse permission

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

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

2. The lower half of the first-floor windows in the building shall be fixed shut and obscure glazed before the building is occupied as a separate dwelling. The windows shall be retained thereafter in that form.

Reason: To protect the residential amenity of neighbours.
(Cambridge Local Plan 2006 policy 3/4)

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions, or additions or garages shall be erected other than those expressly authorised by this permission.

Reason: To protect the amenity of adjoining properties, and to prevent overdevelopment of the site. (Cambridge Local Plan 2006 policies 3/4 and 3/14)

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or with any order revoking and re-enacting that Order with or without modifications) no windows or dormer windows shall be constructed other than with the prior formal permission of the local planning authority.

Reason: To protect the amenity of adjoining properties.
(Cambridge Local Plan 2006 policies 3/4 and 3/14)

5. No use as a separate dwelling shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced and retained thereafter unless any variation is agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate boundary treatment is implemented. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

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: policies 6/1 and 9/8

Cambridge Local Plan (2006): policies 3/1 3/4 3/7 3/10 4/11 5/1 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.