

Application Number	13/0634/FUL	Agenda Item	
Date Received	13th May 2013	Officer	Mr John Evans
Target Date	8th July 2013		
Ward	Queen Ediths		
Site	9 Mowbray Road Cambridge CB1 7SR		
Proposal	Conversion of a semi-detached house to three self-contained flats		
Applicant	Mrs Pankhania 89 Perne Road Cambridge CB1 3SB		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> 1) The conversion of the property in three apartments is acceptable in principle. 2) The external layout changes within this new application addresses the previous concerns of the Inspector in 2010.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 9 Mowbray Road is a semi-detached two-storey property which has been extended to the side and the rear at two-storey and single storey level. These extensions were approved in 2010.
- 1.2 The property sits at an oblique 45 degree angle to Mowbray Road, mirroring the properties to the north 23 and 25 and properties across the other side of the road at 18-24 and 26-32 Mowbray Road.
- 1.3 The driveway is currently laid to gravel. The vehicle crossover approved under 10/0003/FUL has not been implemented.
- 1.4 The site is not located within the Conservation Area. The site does not fall within the Controlled Parking Zone. The access is

via the existing dropped kerb from Mowbray Road which crosses over a grass verge and the pavement.

2.0 THE PROPOSAL

- 2.1 This revised application seeks permission for the conversion of the semi detached house to form three self contained flats.
- 2.2 The application proposes to reconfigure the external space around the building, provide a new internal refuse and cycle store and a new entrance to unit 3. The rear amenity space has been subdivided more formally to provide a private rear garden for unit 1 and unit 3. A new porch will be provided over the entrance of unit 2.
- 2.3 The application includes a new vehicle crossover onto Mowbray Road.
- 2.4 The application is accompanied by the following supporting information:

1. Design and Access Statement

3.0 SITE HISTORY

Reference	Description	Outcome
12/0183/FUL	Change of use to HMO	Refused
10/1028/FUL	Change of use to 1no two bedroom house, 1no two bedroom flat and 1no one bedroom flat.	Refused. Appeal dismissed.
10/0661/FUL	Change of use from house to three one-bedroom flats and one two-bedroom flat.	Refused. Appeal dismissed.
10/0003/FUL	Two storey side and part single, part two-storey rear extension and provision of new vehicle access.	Approved with conditions.

- 3.1 There is a current enforcement notice, issued under Section 172 of the Town and Country Planning Act 1990 (as amended) for an alleged breach of planning control, namely, without

planning permission, the sub division of a C3 dwelling house to create a House in Multiple Occupation (sui generis) and self-contained flats. The applicant is appealing the enforcement notice.

3.2 The decision of the Planning Inspector in the appeal on the previous application 10/1028/FUL is attached to this report as Appendix A.

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, 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
Cambridgeshire and Peterborough Minerals and Waste Plan (Development Plan Documents) July 2011	CS16
Cambridge Local Plan 2006	3/4 3/7 4/13 5/1 5/2 8/2 8/6

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 The applicant has previously demonstrated to the satisfaction of the Highway Authority that three cars can be kept within the site and access the highway independently, with an adequate turning facility, however no dimensions are shown on the plans.
- 6.2 Car parking spaces should be 2.5m x 5m with a 6m reversing space. The access should provide a clear width at the access of 4.5 metres.
- 6.3 Car parking spaces are provided at less than one space per dwelling. The area experiences significant competition for available on-street space. The provision of two spaces is likely

to result in the manoeuvring area being used for parking, negating the benefit in highway safety from having such a facility.

Head of Environmental Services

6.4 No objections.

6.5 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 Councillor Amanda Taylor has commented on this application and has requested determination by Committee for the following reasons.

- Possible issues of scale and appropriateness for the area
- Possible issues concerning the layout of the units

7.2 The owners/occupiers of the following addresses have made representations:

26 Mowbray Road
11 Mowbray Road

7.3 The representations can be summarised as follows:

- More car parking required.
- Kitchen close to the boundary with number 11 would be strongly resisted.
- Latest plans do not state what the garden room will be used for. It should not be a kitchen.
- There is no change in vehicle turning and car parking area which was previously refused.
- There should be at least three car parking spaces provided.
- Opposed to placement of boiler.
- The rear guttering cannot cope.

7.4 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 Two previous planning applications to subdivide the C3 dwelling house into flats were refused in 2010. The refusal of each application was subject to an appeal to the Planning Inspectorate and both appeals were dismissed. The key issues from the latest appeal decision 10/1028/FUL were as follows:

- Whether the scheme would provide acceptable living conditions with regard to condition 2;
- and, whether financial contributions should be required in respect of community development or waste facilities.

8.3 The provision of additional dwellings on previously developed land, and of higher density housing in sustainable locations is generally supported by central government advice contained within the National Planning Policy Framework 2012. Policy 5/1 of the Cambridge Local Plan 2006 allows for residential development from windfall sites, subject to the existing land use and compatibility with adjoining uses, which is discussed in more detail in the amenity section below. The proposal is in compliance with these policy objectives.

8.4 In my opinion, the principle broad principle of the development is acceptable and in accordance with policy 5/1. I discuss below how the current application proposal addresses the concerns of the Inspector in 2010 (10/1028/FUL).

Context of site, design and external spaces

- 8.5 The key design issue is the design and appearance of the proposed alterations in relation to the building and wider context.
- 8.6 The 2 storey extension was approved and implemented under the previous permission 10/0003/FUL. The proposed porch alterations to the building will be relatively minor and will not alter the character of the property.

Trees

- 8.7 There is a mature tree in the highway verge which can be protected during the construction of the vehicle crossover, through the imposition of planning condition 2.
- 8.8 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/14.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.9 The 2 storey extension has been approved and constructed under application 13/0003/FUL. Therefore the impact of the application proposal relates to the use of the premises for three flats only.
- 8.10 The comings and goings from the more intense use of the premises will not in my view be harmful to the amenities of adjacent residential properties. The Inspector did not raise this as an issue in his decision in 2010.
- 8.11 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) policy 3/4.

Amenity for future occupiers of the site

- 8.12 The previous scheme in 2010 was considered unacceptable by the Inspector primarily because of the living conditions of future occupiers, in particular unit 2.

- 8.13 The previous scheme in 2010 proposed to store bins externally, which was immediately outside the door and window to unit 2. The Inspector opined that the siting of so many bins belonging to three different households, so close to the doors or window of one unit, would be likely to cause significant disturbance.
- 8.14 The previous scheme in 2010 also proposed cycle parking to be accommodated within a wooden building situated only 1.5m from unit 2's back wall and window. Again, the Inspector deemed the design of the external spaces to be inadequate. It was concluded that such a large structure would intrude unacceptably into the already limited space around the main building, further restricting outlook to the rear, giving the area the appearance of being excessively cluttered and oppressive.
- 8.15 The location of the turning area in relation to the front entrance of unit 2 was also considered unacceptable by the Inspector in 2010. It was considered that the turning area would result in disturbance to occupiers and inconvenience so close to the entrance of unit 2.
- 8.16 In addition, the siting of the entrance to unit 3 would have required users to approach close to the main window of unit 2's lounge, causing a further loss of privacy to that unit.
- 8.17 This revised application has addressed these layout issues. The scheme provides an internal refuse and cycle store which ensures that the windows of unit 2 are not disturbed by comings and goings of residents accessing these essential services.
- 8.18 The new porches and subdivided garden curtilage ensures each flat has its own defensible threshold and that daily access does not conflict with the privacy or outlook of any other unit.
- 8.19 The proposed new driveway and vehicle crossover successfully integrates with the new flat layout and will result in a good relationship of buildings routes and spaces as required by Local Plan policy 3/7.
- 8.20 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, which fully addresses the concerns of the

Inspector in 2010. I consider that the application is compliant with Cambridge Local Plan (2006) policies 3/7 and 5/1.

Refuse Arrangements

- 8.21 As discussed above, the application proposal provides an internal refuse store which is adequate in size. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.22 The Highways Authority does not raise any objection to the position of the proposed vehicle crossover and access. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

Car Parking

- 8.23 The application now proposes two car parking spaces. This provision does not exceed the Council's maximum standards and is in my view acceptable. Given the size of the units and the proximity of bus links and shops, I consider this level of car parking acceptable.
- 8.24 As discussed above, the application proposal provides an integral cycle store which is adequate in size, secure and convenient for daily use. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

8.25 The representations received have been covered in the above report and are summarised below:

Issue	Report Section
More car parking required.	Paragraph 8.23.
Kitchen close to the boundary with number 11 would be strongly resisted.	The detailed internal layout of the flats cannot be controlled through planning legislation.
There is no change in vehicle turning and car parking area which was previously refused.	The car parking layout has been slightly amended to improve the relationship with unit 2.
The rear guttering cannot cope.	This is a maintenance issue which is the responsibility of the landlord.

Planning Obligation Strategy

8.26 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.

The proposed development triggers the requirement for the following community infrastructure, which is calculated on the basis of a net increase of two units, (discounting one of the 2 bed flats for the purposes of the calculation):

Open Space

8.27 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	1	357
2-bed	2	238	476	1	476
3-bed	3	238	714		
4-bed	4	238	952		
Total					833

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	1	538
3-bed	3	269	807		
4-bed	4	269	1076		
Total					941.5

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	1	484
3-bed	3	242	726		
4-bed	4	242	968		
Total					847

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

8.28 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

8.29 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to community development facilities, programmes and projects. This contribution is J1256 for each unit of one or two bedrooms and J1882 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	1	1256
3-bed	1882		
4-bed	1882		
Total			2512

8.30 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

8.31 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 J75 for each house and J150 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	2	300
Total			300

8.32 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

- 8.33 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

- 8.34 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 proposed revisions to the layout and function of the building and external spaces fully addresses the Inspector's decision in 2010. The S106 reason for refusal is also addressed. APPROVAL is recommended.

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. Details of the specification and position of fencing, or any other measures to be taken for the protection of any trees from damage during the course of development, shall be submitted to the local planning authority for its written approval, and implemented in accordance with that approval before any equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). The agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority.

Reason: To protect the visual amenity of the area and to ensure the retention of the trees on the site. (Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4)

3. The car parking spaces 1 and 2, turning area and vehicular cross-over shall be provided within 6 months following the grant of this permission. The turning space (shown on the south west side of flat 2) shall not be used for parking and shall be used for turning vehicles only and kept free for such.

Reason: In the interests of highway safety (Cambridge Local Plan 2006 policy 8/2)

4. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice within 6 months from the date of this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.