

Application Number	13/1381/FUL	Agenda Item	
Date Received	30th September 2013	Officer	Mr Sav Patel
Target Date	25th November 2013		
Ward	Petersfield		
Site	27 Hills Road Cambridge CB2 1NW		
Proposal	To convert the upper floors of the premises in to 3No independent habitable flats.		
Applicant	Mr M Grewal Academy House London Road Camberley Surrey GU15 3HL UK		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The proposal would make effective and efficient use of vacant space within a building for residential use.</p> <p>The building is located within a highly sustainable location in terms of shops and service and good cycle and pedestrian links to the city centre and railway station.</p> <p>The proposal would make a positive contribution to the character of the Conservation Area.</p>
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 No.27 Hills Road is a three storey property with a pizza takeaway (A5 use) use on the ground floor. The upper levels are set back from the frontage of the ground floor unit by 4 metres creating a flat roofed area which is enclosed by a rail. To the rear is a two storey extension and the service yard for the commercial use.

- 1.2 The first and second floor appears to be vacant as the windows are boarded up.
- 1.3 The site is located within an area of commercial uses on the ground and upper floors. There are also some residential units above the ground floor commercial units.
- 1.4 Access to the first and second floor is a via a door in the side elevation of the building off Cambridge Place which is a single lane passage off Hills Road.

2.0 THE PROPOSAL

- 2.1 The proposal is to convert and bring back into use the first floor and second floor to provide three x 1bed residential units including bin and bike storage. The proposal also includes the provision of new openings in the side elevations and rear elevation.
- 2.2 The application is accompanied by the following supporting information:
 - 1. Planning Statement
 - 2. Plans
- 2.3 The application is brought before Committee due to objections received from the neighbouring consultation process.

3.0 SITE HISTORY

Reference	Description	Outcome
10/0037/FUL	Conversion of the two upper floors to three self contained domestic flats (works to include insertion of windows in both side elevations and the rear elevation).	REFUSED

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, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 4/11 4/13 5/1 5/2

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
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) National Planning Practice Consultation

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, the following policies in the emerging Local Plan are of relevance:

Policy 1: The presumption in favour of sustainable development
Policy 53: Flat conversions
Policy 55: Responding to context
Policy 58: Altering and extending existing buildings

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 No objections have been raised. The residents of the site will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets

Urban Design and Conservation Team

- 6.2 Supports the application subject to conditions relating to new joinery details.

Environmental Services Team

- 6.3 No objections following additional information regarding noise and odour but have requested a condition regarding to noise insulation.

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 owner/occupier of the following address has made representations:

15 Cambridge Place

7.2 The representations can be summarised as follows:

- Danger to public and occupants due to access into the flats
- Disruption to local residents and business during construction
- Rubbish collection

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 The proposal is to convert the upper levels to provide three x 1bed flats. The site is considered to be in a highly sustainable location in terms of shops, services and access to public transport links.

- 8.3 The proposed residential use of the first and second floor of the building is considered to be acceptable in this location and context. Windfall housing sites such as this are permitted subject to the existing land use and compatibility with adjoining uses.
- 8.4 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1.

Context of site, design and external spaces

- 8.5 The proposed conversion does not include any significant alterations to the existing building other than the installation of new openings in the side elevations and rear elevation and removal of the existing hand rail over the flat roof of the ground floor commercial unit. Therefore there would be no material change to the design of the existing building.
- 8.6 The proposal would preserve and enhance the setting of the Conservation Area by bring into use the first and second floors of the building.
- 8.7 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.8 The proposed use of the first and second floors of the building will not have any significantly adverse impact on residential amenity in terms of overlooking of the private amenity space of residential properties. This is mainly due to the rear of the building overlooking an area of commercial storage, cycle parking and access. The private amenity areas of the dwellings in Cambridge Place and Glisson Road would not be directly overlooked.
- 8.9 There are also no implications on the outlook, sunlight or daylight of neighbours as no extension is proposed. I do not consider that the additional activity from three small flats in this busy location would give rise to any adverse impact on neighbours in terms of noise or disturbance.

- 8.10 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

- 8.11 The proposed would create three flats without any external amenity space. Two flats (first and second floor) would overlook Hills Road and the ground floor over the rear yard.
- 8.12 The Environmental Services Team (EST) initially raised concerns with noise and odour impact on future occupiers from the ground floor pizza takeaway use. The applicant submitted noise and odour assessments, which has addressed the concerns raised.
- 8.13 In terms of the noise concerns raised, the applicant has proposed to install double glazed windows and fixed shut and mechanically ventilated, and install a partition between the living room and kitchen in the second floor flat.
- 8.14 The EST are now satisfied the applicant has addressed the noise and odour concerns provided the recommendation in the assessments are implemented. However, a noise insulation condition has been recommend, which I have included.
- 8.15 It is my view that the benefits of bringing the vacant floors into residential use outweigh the relatively low level of residential amenity for future occupiers.
- 8.16 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

- 8.17 The applicant has provided an internal area to the rear of the building for bin and bike storage provision. However, I do not consider this arrangement to be acceptable as it would not comply with the Cycle Parking Guide and Waste Management Design Guide. I have therefore recommended a bin storage

condition so details can be submitted for consideration prior to occupation. If no suitable provision can be found other than that proposed then notwithstanding the views of the EST, I am of the view that this should not frustrate bringing the upper floors back into use.

- 8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12 and

Highway Safety

- 8.19 No concerns have been raised by County Highway with regards to highway safety.
- 8.20 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

Car Parking

- 8.21 No car parking is proposed. I believe that this location is suitable location for car-free development. There are good public transport links on Hills Road as well as suitable cycling and pedestrian routes into the city centre and railway station.
- 8.22 The County Highways Officer has advised that the occupiers of the new units will not qualify for residents parking permits within the existing on-street parking scheme in the surrounding streets.

Cycle Parking

- 8.23 The proposal would require three cycle parking spaces to be provided. However, no specific details have been provided which comply with the Cycle Parking Guide. However, it appears due to the configuration of the building and available land, suitable cycle storage provision is unlikely to be achieved. Although this situation is in conflict with policy 8/6 of the 2006 Local Plan, it is my view that it should be accepted in the interest of bringing the building back into full use.

- 8.24 Although the proposal is not compliant with Cambridge Local Plan (2006) policies 8/6 in relation of provision of cycle parking, I do not consider that this should be a reason for refusal.

Third Party Representations

- 8.25 Concerns have been raised by a local residents regarding danger to public and occupiers due to access, noise disturbance during building works and rubbish collection.

Danger to public and occupants due to unsafe pavement width:

- 8.26 The County Highway Officer has not raised any concerns with highway safety. I do not consider any members of the public or occupants would be at adverse risk or create a conflict with other road users. There is a pavement which in front of the access which would enable the public and occupiers to step out onto to avoid conflicting with traffic along Cambridge Place.

Disturbance during construction:

- 8.27 No major construction work is proposed. The proposal is to simply convert the existing space within the building and install new openings. Therefore, I am satisfied that this level of work is unlikely to create any adverse disturbance to local residents or business such that it would warrant refusing this application. Furthermore, any works to the building will be temporary. The EST have recommended hours of work to be restricted, which I have conditioned.

Rubbish collection:

- 8.28 Suitable bin storage provision has not been provided, as the opening to the proposed bin storage is not acceptable. I have recommended to the applicant a sliding or double door arrangement be made in the rear elevation of the building so that the bins can be accessed and stored away more conveniently. The applicant is happy with the approach but to date I have not received revised details and therefore have recommended a bin and cycle storage condition.

Planning Obligations

8.29 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. Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide provides advice on the requirements for internal and external waste storage, collection and recycling in new residential and commercial developments. The applicant has entered into a S106 agreement to pay planning obligations 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

8.30 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.

8.31 The application proposes the creation of three one-bedroom flats. 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	3	1071
2-bed	2	238	476		
3-bed	3	238	714		
4-bed	4	238	952		
Total					1071

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	3	1210.5
2-bed	2	269	538		
3-bed	3	269	807		
4-bed	4	269	1076		
Total					1201.5

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	3	1089
2-bed	2	242	484		
3-bed	3	242	726		
4-bed	4	242	968		
Total					1089

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

8.32 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

8.33 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	3	3768
2-bed	1256		
3-bed	1882		
4-bed	1882		
Total			3768

8.34 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 Cambridge

Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

Waste

- 8.35 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	3	450
Total			450

- 8.36 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 Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

Monitoring

- 8.37 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

- 8.38 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.

8.39 The applicant has completed and signed up to making the relevant contributions as set out above prior to development.

9.0 CONCLUSION

9.1 The proposed conversion of vacant space to create three 1bedroom residential units would involve relatively minor alterations to the existing building and provide a supply of low cost housing into the market. Whilst the proposal has shortcomings in terms of cycle parking provision, which conflicts with policy, this should be accepted because the benefits of bringing this vacant space into residential use and protecting the future of the building far outweighs the negative element. The proposed full reuse of the building would make a positive contribution to the character of the Conservation Area, if occupied.

10.0 RECOMMENDATION

FOR RECOMMENDATIONS OF APPROVAL

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 development hereby permitted shall be carried out in accordance with the approved plans as listed on 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.

3. No new, replacement or altered joinery shall be installed, nor existing historic joinery removed, until drawings at a scale of 1:20 of all such joinery (doors and surrounds, windows and frames, sills, skirtings, dado rails, staircases and balustrades, etc.) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To avoid harm to the special interest of the listed building (Cambridge Local Plan 2006, policy 4/10)

4. All new joinery [window frames, etc.] shall be recessed at least 50 / 75mm back from the face of the wall / façade. The development shall be carried out in accordance with the specified recess.

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

5. 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)

6. Prior to the commencement of development/construction, a noise insulation scheme detailing the acoustic noise insulation performance specification of the external building envelope of the residential units (having regard to the building fabric, glazing and ventilation) to reduce the level of noise experienced in the residential units as a result of the proximity of the habitable rooms to the high ambient noise levels in the area be submitted to and approved in writing by the local planning authority. The scheme shall achieve the internal noise levels recommended in British Standard 8233:1999 'Sound Insulation and noise reduction for buildings-Code of Practice'. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall not be altered without prior approval.

Reason: To protect the amenity of future occupiers (Cambridge Local Plan 2006 policy 4/13)

7. Prior to the commencement of the use hereby permitted, the on-site storage facilities for residential waste, including waste for recycling and the arrangements for the disposal of waste detailed on the approved plans shall be provided. The approved arrangements shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity (in accordance with policies 4/13 and 6/10 of the Cambridge Local Plan (2006))

8. The development of the site shall be carried out in accordance with the recommendations of the Noise Assessment Report by Blue Tree Acoustics (1935.11/1) dated 7 November 2013.

Reason: To protect the amenity of future occupiers (Cambridge Local Plan 2006 policy 4/13)

9. To satisfy the noise insulation condition for the building envelope as required above, the Council expects the scheme to achieve the 'good' internal noise levels of British Standard 8233:1999 'Sound Insulation and noise reduction for buildings-Code of Practice'. Where sound insulation requirements preclude the opening of windows for rapid ventilation and summer cooling, acoustically treated mechanical ventilation may also need to be considered within the context of this internal design noise criteria.
10. The Housing Act 2004 introduces the HHSRS as a way to ensure that all residential premises provide a safe and healthy environment to any future occupiers or visitors.

Each of the dwellings must be built to ensure that there are no unacceptable hazards for example ensuring adequate fire precautions are installed; all habitable rooms have adequate lighting and floor area etc.

The applicant/agent is advised to contact the Residential Team at Mandela House, 4 Regent Street, Cambridge and Building Control concerning fire precautions, means of escape and the HHSRS.

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 16 January 2014, 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):

1. 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, 5/14, Cambridgeshire and Peterborough Structure Plan 2003 policies P6/1 and P9/8 and as detailed in the Planning Obligation Strategy 2010, Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document 2012.
2. 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