

Application Number	13/1814/FUL	Agenda Item	
Date Received	18th December 2013	Officer	Mr Amit Patel
Target Date	12th February 2014		
Ward	Abbey		
Site	Land To The Rear Of 76 Abbey Road Cambridge Cambridgeshire CB5 8HQ		
Proposal	Erection of 2No. 1.5 storey dwellings following demolition of existing lock-up garages		
Applicant	Mr James Arnold Bennell Farm West Street Comberton Cambridge Cambridgeshire CB23 7DS		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>Provides additional housing</p> <p>Will not have a detrimental impact upon the neighbouring occupiers</p> <p>The design will be in keeping with the surrounding area</p>
RECOMMENDATION	APPROVAL

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 number 76, to the south is number 68, 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 land rises slightly from north to south.

1.3 The site falls within the Riverside section of City of Cambridge Conservation Area No.1 (Central) and there are no listed buildings close by. The site falls within the controlled parking zone. The site falls within Flood Risk Zone 2.

2.0 THE PROPOSAL

2.1 This application follows a previous approval (13/0102/FUL). The previous proposal was to convert the existing garages into two one-bedroom flats. The present proposal involves the demolition of the existing buildings and their replacement by new residential units. The design, form and scale of the proposed dwellings will be the same as the previously approved scheme. The main changes proposed, relative to the existing building are:

1. Raising the eaves height by 400mm to 3.3m from 3.7m
2. Increasing 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2.2 The application was withdrawn from the last agenda due to comments received by the Environment Agency raising concerns. This has now been addressed by the applicants.

2.3 The application is accompanied by the following supporting information:

1. Design Statement
2. Flood Risk Assessment
3. Flood Assessment Part1
4. Plans

3.0 SITE HISTORY

Application Reference	Description	Outcome
13/0102/FUL	Proposed conversion of existing lock-up garages to form 2No. 1.5 storey dwellings	Approved

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, 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
Cambridge Local Plan 2006	3/1 3/4 3/7 3/8 3/11 3/12 4/11 4/16 5/1 5/5 5/14 8/1 8/2 8/4 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
Supplementary Planning Documents	Sustainable Design and Construction 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: Riverside and Stourbridge Common Conservation Area Appraisal

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. Conditions sought relating to removing the existing dropped kerb, drainage 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 and dust informative.

Historic Environment Manager

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

Environment Agency

- 6.4 The Environment Agency commented the following previously:

“Following submission of an emergency plan, the Agency is satisfied on the issue of risk to future occupiers, and withdraws its earlier objection, subject to conditions to ensure the proposed raised walkway is an open structure, and to remove permitted development rights.”

Additional Comments

There are no objection in principle to the development. The finished floor levels have been set at 5.67m.aod which is slightly below the modelled 100 year climate change level of 5.69m.aod. Therefore, the development as proposed would be subject to internal flooding in a 1 in 100 chance in any year including an allowance for climate change flood event.

To protect the proposed development and its users from flooding we would recommend that finished floor levels for the proposed development are set 300 millimetres above the 1 in 100 chance in any year including an allowance for climate change flood level, OR, where this is not practical, flood proofing measures are incorporated up to the 1 in 100 chance in any year, including an allowance for climate change flood level.

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

- 68 Abbey Road

- 13 Riverside

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;
- Damage to neighbours property
- Health and Safety implication to neighbours.
- Demolition will create a security breach to neighbours
- Damage to plant and electricity cable
- Party wall with the neighbours
- Construction work will create a noise and nuisance to occupiers
- Overlooking to neighbouring properties

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 and impact on the Conservation Area
3. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Flooding
8. Third party representations
9. 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. This is in a predominantly residential area. I address the compatibility issue below, but in my view, the principle of development is acceptable.

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

- 8.3 The application is the same as the previously approved scheme, except that this proposal seeks to demolish the building due to underground servicing. There has been no fundamental change in policy or the site context and therefore the proposal is acceptable. The Conservation officers have commented that the demolition and re-building using the reclaimed bricks is acceptable subject to additional conditions relating to sample panel and reusing of materials (Condition 6 and 7). I agree with their advice and recommend this condition. I support the conditions suggested by the Conservation Officer about brickwork and roofing details (Condition 3 and 4), 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 Subject to condition, In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/14 and 4/11.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.5 The previous application was acceptable in terms of impact to neighbouring occupiers. Comments have been received about the proposal impacting upon number 13 Riverside through the loss of light and sense of enclosure. The proposal lies south of this neighbour and is increasing in height by 400mm at the eaves and ridge. The roof design is hipped, the building is much lower than adjoining buildings and is set away from the gable of that house. Taking all these factors into account and the fact that the proposed development is sited north of number 13, I do not consider that No. 13 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 overlooking 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 (Condition 5). The front roof lights overlook a car park area. This would improve natural surveillance and would not create any new overlooking.
- 8.8 Comments have been received that the works will create a noise nuisance to the neighbouring occupiers though construction activity. The Environmental Health Team has noted this and recommends a condition to control working hours (Condition 8) and I agree with their advice and recommend a condition.
- 8.9 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

- 8.10 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.
- 8.11 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

- 8.12 The proposal shows three bins in the front area. This is in accordance with the City Council waste standard and is acceptable.
- 8.13 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.14 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

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

Flooding

- 8.17 The Environment Agency previously commented that the proposal should be refused because there is a possibility of health and safety issues of movement of people from the site to safe land in the event of flooding. The applicants have addressed this by submitting an emergency plan (Flood Assessment 1). In the submitted application the Environment Agency raised concerns about the flooding to the occupiers, the applicants have addressed this and the Environment Agency has commented that this is acceptable, subject to conditions (Conditions 9, 10 and 11) to ensure the proposed raised

walkway is an open structure, and that no sheds or outbuildings can be erected without permission and that there is sufficient mitigation against flooding. I accept this advice and recommend such conditions.

- 8.18 Subject to conditions, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 4/16.

Third Party Representations

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

The issues raised regarding security, Health and Safety and Party Wall matters are outside the control of planning and could not be used as a reasonable reason for refusal.

Planning Obligation Strategy

- 8.20 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

- 8.21 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.
- 8.22 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:

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

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

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

8.23 The S106 has been yet to be agreed but the applicant is willing to enter into an agreement and subject to completion the proposal will comply with 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

8.24 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	2512
2-bed	1256		
3-bed	1882		
4-bed	1882		
Total			2512

8.25 The S106 has been yet to be agreed but the applicant is willing to enter into an agreement and subject to completion the proposal will comply with 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

8.26 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	2	150
Flat	150		
Total			150

8.27 The S106 has been yet to be agreed but the applicant is willing to enter into an agreement and subject to completion the proposal will comply with 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

8.28 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

- 8.29 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

FOR RECOMMENDATIONS OF APPROVAL

APPROVE subject to the satisfactory completion of the s106 agreement by 1st March 2014 and 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. 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. 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)

4. 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)

5. 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)

6. Before starting any brick or stone work, a sample panel of the facing materials to be used shall be erected on site to establish the detail of bonding, coursing and colour and type of jointing and shall be agreed in writing with the local planning authority. The quality of finish and materials incorporated in any approved sample panel(s), which shall not be demolished prior to completion of development, shall be maintained throughout the development.

Reason: In the interests of visual amenity and to ensure that the quality and colour of the detailing of the brickwork/stonework and jointing is acceptable and maintained throughout the development. (Cambridge Local Plan 2006 policies 3/4 and 3/12)

7. Materials, especially bricks, roof and ridge/hip tiles, and double door strap hinges shall be salvaged from the building to be demolished for re-use in the permitted new building.

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

8. 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)

9. No development shall take place until full details of the raised walkway proposed to facilitate escape from flood waters have been submitted to, and approved in writing by, the local planning authority. The proposed walkway shall not involve any raising of land levels, but shall be only an open structure.

Reason: To protect occupiers from flood risk, and to avoid any danger of increased flooding elsewhere. (Cambridge Local Plan (2006) policy 4/16).

10. 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)

11. Prior to occupation full details of finished floor level or flooding mitigation measures shall be submitted to and agreed in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: To protect occupiers from flood risk. (Cambridge Local Plan (2006) policy 4/16).

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.

2. 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 #, 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):

The proposed development does not make appropriate provision for public open space, community development facilities, waste facilities, and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 5/5, 5/14, 8/3 and 10/1 and as detailed in the Planning Obligation Strategy 2010, the Open Space Standards Guidance for Interpretation and Implementation 2010

3. 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