

Application Number	14/0214/FUL	Agenda Item	
Date Received	20th February 2014	Officer	Mr Tony Collins
Target Date	17th April 2014		
Ward	Petersfield		
Site	3 Mill Road Cambridge CB1 2AB		
Proposal	Single storey rear extension and two storey side extension with internal alterations. Conversion of two bed flat to two studio flats. Retrospective change of use from C3 dwelling house to Sui Generis HMO.		
Applicant	The Grange Market Street Swavesey St. Ives Cambridgeshire CB24 4QG UK		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The proposed extensions would cause no harm to neighbour amenity</p> <p>The proposal would not have a harmful impact on the conservation area</p> <p>Subject to conditions, the issues of cycle and waste storage can be satisfactorily addressed</p>
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is a late-Victorian terraced house on the north-east side of Mill Road. It is the first such house on this side of Mill Road, and the curtilage shares a common boundary with the modern Petersfield Mansions development of flats which lies to the northwest and runs alongside Mill Road and then along the south-east side of Petersfield itself. The building has been in use as an HMO for some time. At the rear of the

building is an existing ground floor extension. A two-bedroom flat (3^A Mill Road) occupies this extension and part of the original ground floor space. To the rear of the curtilage is a gate leading on to a passageway which runs between 1 and 1^A Willis Road to reach that street.

- 1.2 The site falls within the Mill Road section of the City of Cambridge Conservation Area No.1 (Central).
- 1.3 There are a number of trees along the rear boundary of the site, including a substantial lime in the northernmost corner, which are protected by the site's conservation area status.
- 1.4 The site falls within the controlled parking zone.

2.0 THE PROPOSAL

- 2.1 The application seeks to create three extensions to the building as follows:
 1. Ground floor kitchen extension on the SE side at the rear of the building, 2.8m x 4m
 2. Ground floor extension on the NW side at the rear of the building, 1.2m x 5m
 3. First floor extension at the rear and side, above extension 2 and part of the existing ground floor, 1.2m x 6.2m.
- 2.2 The application also seeks to change the single two-bedroom flat at the rear of the ground floor into two studio flats.
- 2.3 The application also seeks retrospective permission for conversion of the main body of the building from a dwelling (Class C3) to a *sui generis* large House in Multiple Occupation (HMO)
- 2.4 The application is accompanied by a Design and Access Statement.

3.0 SITE HISTORY

Reference	Description	Outcome
80/0535	Change of use from residential to residential (first and second floors) and typewriting, shorthand and general commercial subjects tuition centre (ground floor)	Withdrawn

4.0 **PUBLICITY:** adjoining owners only.

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 Local Plan 2006	3/1 3/4 3/10 3/14 4/4 4/11 5/1 5/7 8/2 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 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
Supplementary Planning Guidance	Planning Obligation Strategy (March 2010)

	<p><u>City Wide Guidance</u></p> <p>Arboricultural Strategy (2004)</p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p> <p>Strategic Flood Risk Assessment (2005)</p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p> <p>Cambridge City Council (2011) - Open Space and Recreation Strategy</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p>
	<p><u>Area Guidelines</u></p> <p>Mill Road Area Conservation Area Appraisal (2011)</p>

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.

5.5 For the application considered in this report, there are no policies in the emerging Local Plan which are of relevance.

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 Future occupants will not be entitled to residents' car parking permits.

Head of Refuse and Environment

- 6.2 No objection. Recommend a condition on construction hours and an informative on housing health and safety.

Urban Design and Conservation team

- 6.3 No conservation issues.
- 6.4 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

- 7.1 Representations have been received from:

- The owner of 1 Willis Road
- The Chair of the Greek Orthodox Community of Cambridge (on behalf of the Trustees of the Greek Orthodox Community of Saint Athanasios, owners of No. 5 Mill Road)
- The Chair of the Petersfield Mansions Management Committee

- 7.2 The representations can be summarised as follows:

- Possible overlooking of Petersfield Mansions' balconies from new side window
- Loss of privacy to 1 Willis Road
- Noise and disturbance from increased movements along rear access path
- Access at side of proposed extension too narrow
- Reduction of outside amenity space
- Loss of trees
- Refuse storage and collection issues need addressing by condition

- Application must be seen in context of applicant's ownership of 7, 9 and 9A Mill Road and 1A Willis Road, which effectively constitute a larger development
- Inaccuracies in application (regarding trees and hedges, overlooking, and the width of the side access route)

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

Principle of Development

8.2 Policy 5.1 permits additional dwellings on windfall sites subject to the existing land use and compatibility with adjoining uses. The application presents no conflict with this policy in principle.

8.3 Policy 3.10 permits additional dwellings within existing residential curtilages provided six tests are met. The tests concerning comprehensive development and listed buildings are not relevant in this instance. I consider the remaining four tests, which concern neighbour amenity, amenity space and access, the character of the area, and trees, under the relevant headings below.

8.4 Policy 5.7 permits the development of properties for multiple occupation provided they do not harm residential amenity, they use a suitable building, and they are well located for public

transport and services. In my view the proposal and the application site meet all these criteria.

- 8.5 In my opinion, the principle of the development presents no conflict with policies 5.1, 5.7 or 3.10, subject to an examination of the relevant tests, which are addressed below.

Context of site, design and external spaces

- 8.6 The proposed extensions would have very limited visibility from Mill Road. They would, however, be visible from the rear of Petersfield Mansions, and from the rear of houses and from gardens on the NW side of Willis Road. The proposed extensions are of very modest dimensions, however, and their massing and detailing do not conflict with the general pattern of buildings in this area. The conservation officer has raised no issues about the proposal.
- 8.7 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/14, and 4/11.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.8 There are three groups of neighbouring occupiers whose amenity could potentially be affected: those in the nearest part of Petersfield Mansions to the north-west, those at 5 Mill Road to the south-east, and those in Willis Road to the northeast.

Petersfield Mansions

- 8.9 The proposed first-floor extension is to the south-east of the Petersfield flats. However, it would protrude to the rear no more than the existing building, and I do not consider that the modest extension towards the Mansions would have any significant impact in terms of visual domination or overshadowing. The only potential issue of concern in this direction is the new first-floor window proposed in the side of the extension. The revised drawings submitted show that the side window permitted is set too far forward in the elevation to overlook balconies at the rear of Petersfield Mansions. I do not consider that any condition is necessary in this respect.

Willis Road

- 8.10 Representations suggest that the proposal would result in increased movements along the side passage between 1 and 1A Willis Road, because of the reduced width of the side access on the application site. The amended application drawings indicate that this reduced width would be 901mm. This is narrower than is ideal, and fractionally narrower than the existing 'pinch point' at the front corner of the house (905mm), but wide enough for both cycles and bins to be moved. In addition, the route from the rear of the building to Willis Road down this passageway is already available to occupiers of the house, and appears to be used. I do not consider that any additional use of this passageway is likely to be significant enough to warrant refusal of the application.
- 8.11 Representations also suggest that the proposal would result in a loss of privacy to occupiers of 1 Willis Road. In my view this is unlikely, as window positions in the rear elevation remain unchanged. Since the rearmost room at first-floor level is to be changed from a communal kitchen to an individual bedroom, it may even lead to a reduction in overlooking in this direction. It is possible that this objection results from a misreading of the plans.

5 Mill Road

- 8.12 The proposed kitchen extension is the only part of the works which could have an impact in this direction. I acknowledge that the extension is 4m deep, but it lies to the north-west of the adjoining garden, which is currently separated from the application site by a high brick wall at this point. I do not consider that any loss of sunlight would occur, and any increase in sense of enclosure for the occupiers of No.5 would not be significant enough to merit refusal of the application.
- 8.13 In my opinion, subject to conditions regarding the first-floor side window if necessary, 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, 3/7 and 3/14.

Amenity for future occupiers of the site

- 8.14 I acknowledge that the proposal reduces the amount of outside amenity space available to occupiers. A degree of amenity space remains, however. Given the size and nature of the units proposed, and their location in very close proximity to Petersfield, Donkey Common and Parker's Piece, I do not consider the limited amenity space to justify refusal of the application
- 8.15 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 3/14.

Refuse Arrangements

- 8.16 It is evident from representations that the storage and collection of waste and recycling on this site has been a problem, both in terms of visual amenity and because of obstruction to neighbouring occupiers and highway users. The applicants have submitted a waste management plan, which is detailed, but does not address the problem of failure of tenants to set out and retrieve bins in a responsible and neighbourly manner. In my view, a condition is necessary to ensure that the landlord of the extended and converted property accepts and fulfils this responsibility. The condition can also ensure that the correct quantum of waste bins is provided.
- 8.17 In my opinion, subject to such a condition, the proposal is compliant with Cambridge Local Plan (2006) policy 5/7.

Trees

- 8.18 The proposed extension is further away from the trees on site than the existing building, and I am of the view that the welfare of the significant lime tree at the north corner would not be affected. Amended drawings have been submitted which show waste storage outside the supposed tree canopy. In principle I consider that this addresses concerns about impact on the trees, but I recommend a condition to ensure that this issue is examined robustly before a waste storage layout is approved.

8.19 In my view, subject to condition, the proposal would avoid any harmful impact on the welfare of trees of amenity value, and is in accordance with policy 4/4 of the Cambridge Local Plan 2006.

Highway Safety

8.20 The highway authority raises no concerns, and I do not consider any highway safety issues are created by the proposal.

8.21 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

8.22 The application makes no provision for off-street car parking. Given the size of the additional unit proposed, and the very central location, this is in my view acceptable.

8.23 The application proposes a 10-bedroom HMO and two studio flats. The City Council's Cycle Parking Standards require 12 cycle parking spaces for this level of accommodation. The application provides six Sheffield hoops in the rear amenity area. In my view, this is sufficient to meet the requirements of policy.

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

Third Party Representations

8.25 I have addressed the issues raised in the paragraphs shown below.

Possible overlooking of Petersfield Mansions' balconies from new side window	8.9
Loss of privacy to 1 Willis Road	8.11
Noise and disturbance from increased movements along rear access path	8.10
Access at side of proposed extension too narrow	8.10
Reduction of outside amenity space	8.14
Loss of trees	8.18 and 8.19

Refuse storage and collection issues need addressing by condition	8.16 and condition
Application must be seen in context of applicant's ownership of 7, 9 and 9A Mill Road and 1A Willis Road, which effectively constitute a larger development	In my view this wider ownership has no implications for the assessment of the current application
Inaccuracies in application (regarding trees and hedges, overlooking, and the width of the side access route)	Resolved by additional information; addressed in 8.10, 8.16, 8.18 and 8.19

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.

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

8.27 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. However, these contributions are based on the number of additional bedrooms created. In this instance, no new bedrooms are created, as two studio flats replace a flat with two bedrooms. Consequently, no contributions for open space are sought.

Community Development

- 8.28 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

- 8.29 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

- 8.30 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		150
Total			150

8.31 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

8.32 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the costs of monitoring the implementation of planning obligations sought by the City Council. The costs are calculated on the basis of 5% of the total contributions sought. Contributions are therefore required on that basis (£703).

Planning Obligations Conclusion

8.33 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 Notwithstanding representations, I do not consider that the proposed development would have a harmful impact on neighbour amenity or the character of the area. Approval is recommended.

10.0 RECOMMENDATION

APPROVE subject to completion of the s106 Agreement and 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 development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

4. No development of the extensions hereby permitted shall take place, nor shall the studio flats hereby permitted be occupied, until full details of a scheme for waste storage and collection have been submitted to, and approved in writing by the local planning authority. The scheme shall specify the numbers and positions of bins to be provided, and a system to ensure that refuse and recycling bins are set out and retrieved in an acceptable manner. The approved scheme shall be put in place before occupation and maintained thereafter.

Reason: To ensure appropriate waste storage provision and to protect the amenity of highway users and neighbours. (Cambridge Local Plan 2006 policies 3/4, 3/14 and 8/2)

5. Except with the prior written agreement of the local planning authority in writing 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 neighbours. (Cambridge Local Plan 2006 policy 3/4)

6. No new construction shall take place on site, nor shall construction materials or plant be brought on to site until a tree protection scheme has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented prior to any of the above events taking place, and shall be maintained throughout the development.

Reason: To protect trees of amenity value. (Cambridge Local Plan 2006 policy 4/4)

7. The cycle parking provision included in the application shall be implemented prior to occupation of the development, and shall be maintained in place thereafter.

Reason: To ensure appropriate cycle parking. (Cambridge Local Plan 2006 policy 8/6)

8. Housing Health & Safety Rating System (HHSRS)

The Housing Act 2004 introduces the Housing Health & Safety Rating System 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 housing standards at Mandela House, 4 Regent Street,

Cambridge and Building Control concerning fire precautions,
means of escape and the HHSRS