

<b>Application Number</b>	14/1181/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	18th July 2014	<b>Officer</b>	Dharam Vir
<b>Target Date</b>	12th September 2014		
<b>Ward</b>	Petersfield		
<b>Site</b>	The Loco 44 Mill Road Cambridge CB1 2AS		
<b>Proposal</b>	Erection of three maisonettes above the rear of the restaurant at 44 Mill Road.		
<b>Applicant</b>	Mr K Brahmhatt 10 Fen Road Chesterton Cambridge CB4 1TX		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The proposal complies with development plan policies (2006).</li> <li>2. The proposal is unlikely to be detrimental to the character and appearance of the conservation area.</li> <li>3. The proposal is unlikely to be detrimental to the amenity of the occupiers of the neighbouring.</li> </ol>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site lies approximately 1.5km south east of the city centre. The site is located on a major arterial route in and out of the City. The application site has a restaurant use at ground floor with rooms above. The area has a mixture of retail, office, restaurant and residential uses.
- 1.2 The application site is located within the Central Core Conservation Area and falls within the controlled parking zone.

## 2.0 THE PROPOSAL

- 2.1 The proposal is for the erection of three maisonettes above the rear of the restaurant at 44 Mill Road.
- 2.2 The proposed maisonettes are a two storey brick building with a slate roof. The rear windows of the maisonettes have been angled to avoid overlooking of the gardens in Mill Street. The proposed access is from Mill Road and will lead through the existing building above the restaurant. Between the existing rooms on the first floor and the proposed maisonettes will be a private outdoor space for all the residents.
- 2.3 The maisonettes will have access to the rear yard behind the Salvation Army building. No extra car parking is to be provided. At the rear ground level there will be a storage area for 12 bicycles and bin storage.
- 2.4 The application is accompanied by the following supporting information:

1. Design Statement

## 3.0 SITE HISTORY

Reference	Description	Outcome
13/0113/FUL	To build three maisonettes above the rear of the restaurant in 44 Mill Road.	Withdrawn
13/0759/FUL	Erection of three maisonettes and roof garden above the rear of the restaurant at 44 Mill Road.	REFU
	Application 13/0759/FUL was an identical application which was refused on s106 grounds.	

## 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 Sustainable development 3/4 Responding to context 3/7 Creating successful places 3/12 The design of new buildings  4/10 Listed Buildings 4/11 Conservation Areas  5/1 Housing provision 5/2 Conversion of large properties  8/2 Transport impact 8/4 Walking and Cycling accessibility 8/6 Cycle parking

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	Cambridge City Council (May 2007) – Sustainable Design and Construction Cambridge City Council (March 2010) – Planning Obligation Strategy

Material Considerations	<u>City Wide Guidance</u>  Cambridge Walking and Cycling Strategy (2002) Cycle Parking Guide for New Residential Developments (2010)
	<u>Area Guidelines</u>  Cambridge Historic Core Conservation Area Appraisal (2006) Mill Road Area Conservation Area Appraisal (2011) West Cambridge Conservation Area Appraisal (2011)

#### 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.

## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Transport)

- 6.1 Following implementation of any Permission issued by the Planning Authority in regard to this proposal the residents of the site (whether in existing units or those proposed) will not qualify for Residents' Permits (other than visitor permits) within the

existing Residents' Parking Schemes operating on surrounding streets.

### **Head of Refuse and Environment**

- 6.2 Refuse and Environment have the no objection to the proposal in principle. Conditions and informatives have been recommended.

### **Urban Design and Conservation team**

- 6.3 The Conservation team have the following comments to make. Provided that the suggested conditions are adequately discharged, the proposed works will not be detrimental to the character or appearance of the conservation area.
- 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 The owners/occupiers of the following addresses have made representations:

Salvation Army, 42 Mill Road, Cambridge

- 7.2 The representations can be summarised as follows;
- A request for more consultation time as the landlord is away on holiday.

## **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 principle of the proposed development at this location is considered to be acceptable. The provision of additional dwellings to meet the housing needs of the City is encouraged especially where the future residents will be closer to jobs and would have access alternative modes of transport. The subdivision of existing plots to provide new dwellings is welcomed providing it does not harm the amenity of the neighbouring properties and wider area. Planning application 13/0759/FUL was granted permission for an identical proposal by Area Committee.
- 8.3 In my opinion, the principle of the development is acceptable and in accordance with policies 3/10 and 5/1.

### **Context of site, design and external spaces**

- 8.4 The application site located on a busy arterial route in and out of the city centre. The site is bounded by Mill Road to the north east and Covent Garden to the west. The area is predominately residential with commercial uses along Mill Road.
- 8.5 The development is constrained by properties on either side of the site. To the north west is the Salvation Army charity shop (former cinema) which is a large ridged roof building. To the south east is No.46, Books for Amnesty. Both No.44 and No.46 have rooms at first floor level which are set well back from the street.
- 8.6 The design of the maisonettes is considered to be acceptable with the ridged roof design. The roof design follows on from the Salvation Army building which also has a ridged roof. The maisonettes will be a two storey brick building with a slate roof. The rear windows of the maisonettes will be angled to avoid overlooking of the gardens in Mill Street. A roof garden with raised beds is proposed in between the maisonettes and the bedsits. The fenestration appears to be acceptable but details

of the fenestration and materials will be required as the site is in a conservation area.

- 8.7 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.8 There are residential properties to the north west and south east of the application site.
- 8.9 The proposal is to let the first floor rooms at the north end of the site. The proposed layout of the site would be to enclose these rooms in. However, a central amenity area is proposed for the use of the future residents of both the rooms and the maisonettes. The height and massing of the proposal will dominate the rear of the building but the roof line is much lower than the Salvation Army building and is just above the roof line of No.46. The height and massing is considered to be acceptable and does not adversely affect the visual amenity of the neighbouring properties.
- 8.10 The windows of the maisonettes have been angled so there will be no overlooking of the gardens of the properties in Mill Street.
- 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) policies 3/4, 3/7 and 3/12.

Amenity for future occupiers of the site

- 8.12 The proposal is considered to be acceptable and provides a central amenity space for the future residents of the development. The proposal also allows storage space for cycles.
- 8.13 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**

- 8.14 The refuse arrangements at the ground floor are considered to be acceptable. There will be three separate bin stores located on the ground floor of the site. There will be one bin store for the maisonettes, one for the bedsits and one for the restaurant.
- 8.15 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

## **Highway Safety**

- 8.16 No objections have been raised by the Local Highways Authority. No extra car parking is proposed for the site. The existing car parking arrangements at the rear of the site remain unaltered.
- 8.17 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

## **Car and Cycle Parking**

- 8.18 There are no new car parking spaces proposed for the site. The existing car parking at the rear of the site remains the same. There are 12 bicycle spaces proposed on the ground floor of the proposed development. The local authority cycle parking standards requires 1 space per bedroom up to 3 bedroom dwellings. There are three maisonettes consisting of one three bedroom and two with two bedrooms. A total of 7 spaces are required for maisonettes. The remaining spaces are available for the bedsits. The bicycle spaces will be located at the rear of the bin stores.
- 8.19 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

## **Third Party Representations**

- 8.20 A representation was received from the Salvation Army at 42 Mill Road requesting an increase in the consultation time in order to contact their landlord who was on holiday. By the end of the consultation period and at the time of writing this report,

no further correspondence had been received from the Salvation Army.

## **Planning Obligation Strategy**

### **Planning Obligations**

8.21 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

8.22 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.

8.23 The application proposes the erection of 3 three-bedroom maisonettes. 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:

<b>Outdoor sports facilities</b>					
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-bed	2	238	476	2	952
3-bed	3	238	714	1	714
4-bed	4	238	952		
<b>Total</b>					<b>1666</b>

<b>Indoor sports facilities</b>					
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-bed	2	269	538	2	1076
3-bed	3	269	807	1	807
4-bed	4	269	1076		
<b>Total</b>					<b>1883</b>

<b>Informal open space</b>					
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-bed	2	242	484	2	968
3-bed	3	242	726	1	726
4-bed	4	242	968		
<b>Total</b>					<b>1694</b>

<b>Provision for children and teenagers</b>					
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	2	1264
3-bed	3	316	948	1	948
4-bed	4	316	1264		
<b>Total</b>					<b>2212</b>

8.24 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

8.25 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:

<b>Community facilities</b>			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256		
2-bed	1256	2	2512
3-bed	1882	1	1882
4-bed	1882		
<b>Total</b>			<b>4394</b>

8.26 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

- 8.27 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:

<b>Waste and recycling containers</b>			
Type of unit	£per unit	Number of such units	Total £
House	75		
Flat	150	3	450
<b>Total</b>			<b>450</b>

- 8.28 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

- 8.29 The Planning Obligation Strategy (2010) requires that all new developments contribute to the costs of monitoring the implementation of planning obligations. It was agreed at Development Plans Scrutiny Sub- Committee on 25 March 2014 that from 1 April 2014 monitoring fees for all financial and non-financial planning obligations will be 5% of the total value of those financial contributions (up to a maximum of £50,000) with the exception of large scale developments when monitoring costs will be agreed by negotiation. The County Council also requires a monitoring charge to be paid for County obligations in accordance with current County policy
- 8.30 For this application a monitoring fee of £614 is required to cover monitoring of Council obligations plus the County Council monitoring fee.

## Planning Obligations Conclusion

- 8.31 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 Approve subject to conditions. The provision of additional dwellings to meet the housing needs of the City is encouraged especially where the future residents will be closer to jobs and would have access alternative modes of transport. The proposal is identical to planning application 13/0759/FUL which was granted planning permission by Area Committee.

## **10.0 RECOMMENDATION**

- 1. APPROVE** subject to completion of the s106 Agreement.

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. 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, type of jointing 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 the visual amenity of the Conservation Area 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 3/12 and 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. Prior to the commencement of development, large scale drawings of details of new sills, lintels, jambs, transoms, mullions, thresholds, etc. shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the Conservation Area. (Cambridge Local Plan 2006 policies 3/12 and 4/11)

6. Full details, in terms of materials, fixing, surface finish & colour, of all new metalwork [stairs, balustrades, grilles, railings, brackets, window frames, columns, etc.] are to be submitted to and approved in writing by the LPA. Thereafter the development shall be undertaken in accordance with the agreed details unless the LPA agrees to any variation in writing.

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

- 2. If the s106 agreement has not been agreed by 1<sup>st</sup> December 2014 the application shall be refused for the following reason:**

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 Cambridgeshire and Peterborough Structure Plan 2003 policies P6/1 and P9/8 and as detailed in the Planning Obligation Strategy 2010, the Open Space Standards Guidance for Interpretation and implementation 2010.