

Application Number	13/1706/FUL	Agenda Item	
Date Received	24th April 2014	Officer	Miss Catherine Linford
Target Date	19th June 2014		
Ward	East Chesterton		
Site	190A Green End Road Cambridge CB4 1RN		
Proposal	Change of use from flat to office use. Demolition of existing garages and 1 x 1 bed flat to rear of site.		
Applicant	Mr Angelo Dama 190a Green End Road Cambridge CB4 1RN		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposals satisfactorily address the Inspectors concerns about the potential disturbance experienced by the occupiers of the proposed dwelling; 2. The proposed building would not be out of character; and 3. The proposed dwelling would not have a detrimental impact on the occupiers of neighbouring properties.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 190 Green End Road is an end of terrace property which currently accommodates an estate agents) with a one bedroom flat to the rear at ground floor level, and a one bedroom flat on the first floor. An access drive, 3.7m wide, narrowing at one point to 3.2m, leads to a paved yard, beyond which are the single-storey garages.
- 1.2 The site is not in or near to a Conservation Area, and lies outside the controlled parking zone. There are no protected trees on the site.

2.0 THE PROPOSAL

- 2.1 Full planning permission is sought for the change of use of the ground for flat to additional space for the existing estate agents. This would be used as a staff room and storage room. Permission is also sought for the erection of a single storey building to provide one one-bedroom flat, which would replace the existing block of garages.
- 2.2 The application has been amended. The original application sought permission for a 1.5 storey building to provide two two-bedroom duplex flats.

3.0 SITE HISTORY

Reference	Description	Outcome
09/0474/FUL	Erection of 2 storey residential unit (following demolition of existing garages).	REF
10/0304/FUL	Erection of bungalow (following demolition of existing row of garages).	REF Appeal dismissed
11/0127/FUL	Change of use from residential ground floor flat to A2 (financial and professional services).	REF Appeal dismissed

The Decision Notice for 09/0474/FUL and the Appeal Decisions for 10/0304/FUL and 11/0127/FUL are attached as Appendix 1.

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 3/10 3/11 3/12 5/1 5/4 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)

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, there are no policies in the emerging Local Plan are of relevance.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

Original application

- 6.1 The application form states that there is no change in parking provision within the site, and claims four parking spaces. The application removes an existing garage. The applicant must provide information regarding existing and proposed parking arrangements to reconcile the above, seemingly contradictory, statements and allow informed comment upon the full impact of the proposals. The applicant should explain how parking provision will be allocated between the uses.

Amended application

- 6.2 The previous issues remain unresolved.

Head of Refuse and Environment

Original application

- 6.3 No objection subject to conditions relating to construction hours, hours of construction deliveries and collections, piling, noise assessment and mitigation, waste, and contaminated land.

Amended application

- 6.4 The comments remain the same.
- 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

Original application

- 7.1 The owners/occupiers of the following addresses have made representations:
- 186 Green End Road
 - 202 Green End Road

- 10 Tenison Road

7.2 The representations can be summarised as follows:

- Loss of privacy
- Loss of light
- Overbearing sense of enclosure
- Generation of unreasonable levels of noise and traffic
- Little details has been provided regarding cycle parking, but the access may be too narrow and blocked by opening a window
- No bin storage is shown
- Inadequate amenity space
- Inadequate parking
- Previous applications have been rejected
- Although there are some quite large garages and several greenhouses and sheds in the area of this development, they all have low rooflines and are not occupied as dwellings

Amended application

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

- 184 Green End Road
- 186 Green End Road

7.4 The representations can be summarised as follows:

- Loss of privacy
- Loss of light

7.5 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 issues of principle that must be addressed are the loss of the residential unit on the ground floor of the building; and the replacement of the existing garage block with a one-bedroom flat.
- 8.3 Policy 5/4 of the Cambridge Local Plan (2006) states that ‘the redevelopment of existing dwellings or the change of use of residential accommodation to other uses will not be permitted unless it can be demonstrated that: a) the property is unfit for human habitation and cannot be rehabilitated; b) it is a subsidiary part of a non-residential property without any practical means of separate access being provided; c) it is a Listed Building, which can best be preserved through change of use; d) it is necessary for the provision of community facilities which there is a need in Cambridge; or e) the lost accommodation is replaced by at least an equivalent amount of new residential floorspace.
- 8.4 It is proposed that the ground floor flat, which will become office space, is replaced by the proposed one bedroom flat at the rear of the site. Whilst the proposed flat would be smaller than the existing flat, it is my opinion that the living accommodation provided would be improved due to the absence of disturbance from vehicles. Therefore, it is my opinion that the proposals comply with part e) of policy 5/4 of the Local Plan.
- 8.5 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses. The surrounding area is primarily residential, which makes the acceptability of housing development here possible in theory, in my view. Policy 3/10 of the Cambridge Local Plan (2006) states that residential development within the curtilage of existing properties will not be permitted if it will have a significant impact on the amenities of neighbouring properties; provide inadequate amenity space, vehicular access arrangements and parking spaces; or detract from the prevailing

character of the area. These issues will be discussed later on in this report.

- 8.6 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1 and part e) of policy 5/4 of the Cambridge Local Plan (2006).

Context of site, design and external spaces

- 8.7 No external changes are proposed to the main building. The proposed one-bedroom flat would stand in the same position as the existing garage block, abutting the southeastern boundary with 200 Green End Road. The proposed building would be 1.3m deeper than the existing garage block and would be 2.5m shorter, leaving a 2.5m gap between the proposed building and the common boundary with 186 Green End Road. The proposed building would be flat roofed. Due to the positioning of the building, at the rear of the site, it would not be visible from the street.
- 8.8 In the previous Appeal Decision relating to 10/0304/FUL the Inspector stated that it was his opinion that ‘the garages are in a state of disrepair and would benefit from a scheme of improvement or redevelopment. The replacement of one built structure with another would not significantly change the appearance of the area’. The same could be argued in this case, and it is therefore my view that the proposed building would not have a detrimental impact on the character or appearance of the surrounding area, considering it would be of a similar scale to the existing building.
- 8.9 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, and 3/12, and part c) of policy 3/10.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.10 The neighbouring residential occupiers that may potentially be impacted on by these proposals are 186, 188, 200 and 202 Green End Road.

Dominance, enclosure and overshadowing

- 8.11 The proposed building would stand 2.5m from the common boundary with 186 Green End Road, and as the existing garage block abuts this boundary it is my view that it would not have any significant detrimental impact on this neighbour in terms of overshadowing, dominance or enclosure.
- 8.12 The proposed building would stand 8.9 from the common boundary with 188 Green End Road, 1.2m closer than the existing garage block. Due to this separation distance it is my view that this neighbour would not be significantly impacted in by this proposal in terms of overshadowing or dominance.
- 8.13 The proposed building would abut the common boundary with 200 Green End Road and would stand to the southeast of this neighbouring property. As the proposed building would be no taller than the existing garage block it would not have a significant detrimental impact on this neighbour in terms of dominance or overshadowing.
- 8.14 The area of the site which abuts the common boundary with 202 Green Road will be used as a garden for the proposed flat and would not have any detrimental impact on this neighbour in terms of overshadowing, dominance or overlooking.

Overlooking

- 8.15 Due to the height of the proposed building and the positioning of the windows there would be no potential for the proposed flat to overlook 186, 200 or 202 Green End Road. The windows in the front elevation of the proposed building, serving the bedroom and living room would look towards this neighbouring property, but due to the separation distance between the two dwellings it is my view that there would not be a significant detrimental impact on privacy.

Noise and disturbance

- 8.16 The proposed demolition and building works will create noise and disturbance and this can be mitigated against by conditions restricting contractor working hours (3), restricting deliveries and collections during demolition and construction (4), and requiring a method statement if piling is necessary (5). It is my opinion

that the proposed use will not have a significant adverse impact on neighbouring residents in terms of noise and disturbance over and above the noise that could be generated by the existing garages.

- 8.17 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 and part a) of policy 3/10.

Amenity for future occupiers of the site

- 8.18 In the previous Appeal Decision (10/0304/FUL) the front elevation of the proposed bungalow abutted an area of car parking. The Inspector took the view that the noise and disturbance created by the comings and goings of vehicles close to the bedroom window of the dwelling would have created an unacceptable living environment. In the revised proposal the car parking area has been removed and replaced with a landscaped courtyard. In my opinion, this satisfactorily addresses the concerns raised by the Inspector in the previous appeal.
- 8.19 Environmental Health have explained that their review of historic maps has shown that the site was previously occupied by buildings of an unknown use, and most recently by lockup garages. It is recommended that the site is investigated for contamination, and this work can be required by a condition (6).
- 8.20 The neighbouring convenience store, at 192 Green End Road, has plant at the rear, and the noise generated by this could have a detrimental impact on the occupiers of the proposed property. Planning permission was granted for the convenience store and associated plant in August 2014, subject to a condition, which required a noise survey and mitigation strategy. This condition was required in order to protect the amenity of the occupiers of neighbouring residential properties, but considering that this condition has not yet been discharged, I recommend a condition requiring a noise survey and mitigation strategy (7).
- 8.21 The proposed dwelling would have a private garden at the rear. This garden is small, but it is my view that it is adequate for a one bedroom dwelling.

8.22 In my opinion the proposal provides 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 and part b) of policy 3/10..

Refuse Arrangements

8.23 There is sufficient space for bin storage for the proposed flat, and to ensure that appropriate provision is required I recommend that further details are required by condition (8).

8.24 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Car and Cycle Parking

8.25 It is proposed that the development is car free. Considering the site's location adjacent to a convenience store and close to public transport routes and the City Centre it is my opinion that a car free development is justified, especially as it creates a better living environment for the occupiers of the proposed flat, and the occupiers of the first floor flat.

8.26 No cycle parking provision is shown on the submitted plans, but there is sufficient space on the site to accommodate this. To ensure that appropriate cycle parking is provided I recommend a condition requiring further details (9).

8.27 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10 and part b) of policy 3/10.

Third Party Representations

8.28 The issues raised have been addressed above.

Planning Obligation Strategy

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. As it is proposed that a one-bedroom flat is replaced with a one-bedroom flat no planning obligations are required.

9.0 CONCLUSION

- 9.1 In my opinion the proposals overcome the issues of concern raised by the Inspector in the previous appeal. The proposals are, therefore, considered to be acceptable and approval is thus recommended.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. 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. 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)

4. Except with the prior written agreement of the local planning authority, there should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0700 hrs and 1900 hrs on Monday - Saturday and there should be no collections or deliveries on Sundays or Bank and public holidays.

Reason: Due to the proximity of residential properties to this premises and that extensive refurbishment will be required, the above conditions are recommended to protect the amenity of these residential properties throughout the redevelopment in accordance with policies 4/13 and 6/10 of the Cambridge Local Plan (2006)

5. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents noise and or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved details.

Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

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

6. No development approved by this permission shall be COMMENCED prior to a contaminated land assessment and associated remedial strategy, being submitted to the Local Planning Authority and receipt of approval of the document/documents from the Local Planning Authority. This applies to paragraphs a), b) and c). This is an iterative process and the results of each stage will help decide if the following stage is necessary.

(a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the Local Planning Authority prior to investigations commencing on site.

(b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.

(c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.

No development approved by this permission shall be OCCUPIED prior to the completion of any remedial works and a validation report/s being submitted to the Local Planning Authority and receipt of approval of the document/documents from the Local Planning Authority. This applies to paragraphs d), e) and f).

(d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

(e) If, during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

(f) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site.

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

7. Part A

Prior to the commencement of development works a noise report that includes the provisions of British Standard (BS) 4142:1997, Method for rating industrial noise affecting mixed residential and industrial areas, which considers the impact of noise upon the proposed development shall be submitted in writing for consideration by the local planning authority.

Part B

Following the submission of a noise report and prior to the commencement of development works, 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) for protecting the residential units from noise from the neighbouring industrial use shall be submitted to and approved in writing by the Local Planning Authority.

The scheme as approved shall be fully implemented before the use hereby permitted is commenced and prior to occupation of the residential units and shall not be altered without prior approval.

Reason: To protect the amenity of the occupiers of the approved dwelling. (Cambridge Local Plan 2006, policy 4/13)

8. No development shall commence until such time as full details of the on-site storage facilities for waste including waste for recycling have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be in accordance with the approved details. The approved facilities 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. (Cambridge Local Plan 2006 policies 3/4 and 4/13)

9. No development shall commence until details of facilities for the covered, secured parking of bicycles for use in connection with the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

Reason: To ensure appropriate provision for the secure storage of bicycles. (Cambridge Local Plan 2006 policy 8/6)

INFORMATIVE: The demolition phase may give rise to dust and therefore the applicant is advised to ensure that appropriate measures are employed to minimise the spread of airborne dust from the site. Further guidance can be obtained from:

Council's Supplementary Planning Document Sustainable Design and Construction 2007:

https://www.cambridge.gov.uk/sites/www.cambridge.gov.uk/files/documents/SustainComSPD_WEB.pdf

Guidance on the assessment of dust from demolition and construction

http://iaqm.co.uk/wp-content/uploads/guidance/iaqm_guidance_report_draft1.4.pdf

Control of dust and emissions from construction and demolition - Best Practice Guidance produced by the London Councils:

http://www.london.gov.uk/thelondonplan/guides/bpg/bpg_04.jsp