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| Application Number | 15/0065/FUL | Agenda Item | |
| Date Received | 15th January 2015 | Officer | Michael Hammond |
| Target Date | 12th March 2015 | | |
| Ward | Newnham | | |
| Site | 15B Derby Street Cambridge CB3 9JE | | |
| Proposal | Conversion of ground floor store to 1 Bedroom Studio flat (retrospective) | | |
| Applicant | Mr Desmond & Dr Pamela Hirsch | | |

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| SUMMARY | <p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposal does not harm the amenity of neighbouring properties. - The proposal does not harm the character of the Conservation Area. - The level of parking provision on site is acceptable. |
| RECOMMENDATION | APPROVAL |

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 15B Derby Street is the ground floor element of a two-storey building situated at the end of the Derby terrace. It is situated on the eastern side of Derby Street, close to the junction of Derby Street and Merton Street, and set back from the road behind the established building line. The surrounding area is predominantly residential and the site is within a Conservation Area. The building was originally built as a garage to 31 Grantchester Street.

2.0 THE PROPOSAL

2.1 The proposal seeks retrospective planning permission for the change of use of the ground floor of the garage of no.31

Grantchester Street into a one-bedroom self-contained dwelling (c3).

- 2.2 The proposal does not involve any extensions or significant alterations to the built form of the building. The garage doors on the front elevation of the building would be replaced with glazing. There are also internal arrangements in terms of the internal floor area of the ground floor flat.
- 2.3 One parking space and bin storage is provided on-site at the front of the building and there is a rear garden 3.5m x 6m proposed.
- 2.4 Amendments have been made to the internal arrangement of rooms and the front fenestration of the building.

3.0 SITE HISTORY

| Reference | Description | Outcome |
|---------------|--|---------------------------|
| C/67/0159 | Erection of double garage (31 Grantchester Street) | A/C |
| 14/2063/CLUED | Application for a Certificate of Lawfulness under Section 191 for use as an independent dwelling (C3) | Pending |
| C/98/0129 | Erection of first floor extension over existing double garage fronting onto Derby Street to provide studio room. | Approved with conditions. |
| C/99/0931 | Amendment to planning permission ref: C/98/0129/FP, for alterations to rear elevations and roof. | Approved with conditions. |

4.0 PUBLICITY

- 4.1 Advertisement: No
Adjoining Owners: Yes
Site Notice Displayed: No

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 4/11 5/1 5/2 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 Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government) |
| Supplementary Planning Guidance | Sustainable Design and Construction (May 2007) |
| | <u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010) |

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| | <u>Area Guidelines</u> Newnham Croft Conservation Area Appraisal (2013) |
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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)

- 6.1 The application allocates parking provision for the existing dwelling to the proposed dwelling. The existing dwelling is a sizeable property and thus the development would be likely to generate additional parking demand on-street. The development may therefore impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity which the Planning Authority may wish to consider when assessing this application. The remaining parking provision may not be of sufficient depth to accommodate many models of car currently in production, but without dimensions this cannot be confirmed. Please require the applicant to provide the depth of the area, clear of the public

highway. If the spaces are too short, vehicles will overhang the public highway, obstructing the footway.

Urban Design and Conservation Team

6.2 The proposed alterations to the front elevation of the building to provide an additional room for the existing flat will not be detrimental to the character or appearance of the conservation area. This application conforms to policy 4/11 of the Cambridge Local Plan 2006.

6.3 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:

| | |
|------------------------|--------------------|
| 1 Merton Street | 3 Merton Street |
| 5 Merton Street | 6 Merton Street |
| 1 The Cenacle | 2 The Cenacle |
| 3 The Cenacle | 6 The Cenacle |
| 10 Derby Street | 12 Derby Street |
| 14 Derby Street | 15 Derby Street |
| 19 Derby Street | 2 West View |
| 3 West View | 4 West View |
| 33 Grantchester Street | 38 Eltisley Avenue |

7.2 The representations can be summarised as follows:

- Increase in traffic
- Increase in parking congestion
- The two parking spaces outside the flats are used by no.31 Grantchester Street and would not be available for tenants of the flats.
- The increase in population density changes the character of the neighbourhood in the Conservation Area.
- The appearance of the elevation is not sympathetic to the appearance of the Victorian terrace.

- The addresses 15A/ 15B Derby Street are not legal street names.
- The increase in bins on the street would block the public footpath and highway.
- The application should be considered alongside the application for the Certificate of Lawfulness (14/2063/CLUED)
- The condition (no.2) placed on the previous application (c/98/0129) was implemented because permission would have been refused for a separate dwelling due to inadequate parking and amenity space, increase in traffic and amenity of existing and future occupiers.
- The flats provide inadequate amenity space, including for bins and cycles.
- A tree was illegally felled on this site.
- The adjacent wall of the flats causes damp that damages the neighbouring property.
- Overlooking
- Noise and disturbance from change of use
- Layout and density of building.
- Cars parking outside the proposed bedrooms would harm the amenity of future occupiers.
- The proposal is contrary to policies 3/14, 3/10 and 4/11 of the Local Plan (2006).
- 15A Derby Street does not have a letting history and should be treated as a new application.
- Planning permission should be sought prior to undertaking works and not afterwards.
- The change of use is illegal and contradictory to condition 2 of the previous permission (c/98/0129).

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 conservation area
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 Policy 5/1 of the Cambridge Local Plan (2006) is relevant. The policy generally supports additional residential development within the City:

“Proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses”.

8.3 The site is situated within an existing and established residential area I therefore consider that residential development on this site could be supported.

8.4 Policy 5/2 of the Cambridge Local Plan (2006) is also relevant. It states that the conversion of single residential properties and the conversion of non-residential buildings into self-contained dwellings will be permitted except where:

- The residential property has a floorspace of less than 110 square meters;
- The likely impact upon on-street parking would be unacceptable;
- The living accommodation provided would be unsatisfactory;
- The proposal would fail to provide for satisfactory refuse bin storage or cycle parking; and
- The location of the property or the nature of nearby land uses would not offer a satisfactory level of residential amenity

8.5 Policy 3/10 of the Cambridge Local Plan (2006) is also relevant. It states that residential development within the garden area or curtilage of existing properties will not be permitted if it will:

- a) - Have a significant adverse impact on the amenities of neighbouring properties through loss of privacy, loss of light, an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise nuisance

- b) – Provide inadequate amenity space, or vehicular access arrangements and parking spaces for the proposed and existing properties;
- c) – Detract from the prevailing character and appearance of the area;
- d) - Adversely affect the setting of Listed Buildings, or buildings or gardens of local interest within or close to the site;
- e) - Adversely affect trees, wildlife features or architectural features of local importance located within or close to the site; and
- f) - Prejudice the comprehensive development of the wider area of which the site forms part.

8.6 Of the above criteria, d), e) and f) are not relevant to the proposal as there are no listed buildings or related constraints within close proximity to the site; the site would not affect any trees or any established wildlife sites; and the proposal would not, in my view, prejudice comprehensive development of the wider area due to the site context. Therefore, criteria a) to c) are relevant and will be used to assess the proposed development.

8.7 In my opinion, subject to meeting the criteria of policies 3/10 and 5/2 of the Cambridge Local Plan (2006), the principle of the development is acceptable and in accordance with policy 5/1.

Context of site, design and external spaces and impact on conservation area

8.8 The front of the building is visible from the street scene of Derby Street. The garage doors on the front of the building will be infilled and replaced with glazed windows. The built form of the two-storey building in this position was approved under a previous permission (c/98/0129).

8.9 I note that objections have been received regarding the elevation not being in keeping with the character of the area. However, given that the alterations are relatively minor and are recessed from the established building line of no.15 Derby Street, I do not consider that the alterations would detrimentally harm the character of the conservation area and neither do I consider that any additional traffic generation would harm the conservation area. The Conservation Team has raised no issues with the scheme and I agree with this advice.

- 8.10 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/11 and 4/11.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.11 As the built form of the building is unaltered by the proposed change of use, there are no concerns regarding visual enclosure or loss of light.
- 8.12 The proposed windows on the front elevation would not lead to any significant loss of privacy at neighbouring properties due to the mutual sense of overlooking between the fronts of properties that already exists along Derby Street.
- 8.13 The window on the rear elevation would not compromise the privacy of no.15 Derby Street to the north. There is a mutual sense of overlooking over the gardens of properties in this area due to the compact nature of the built form and so the introduction of a ground floor window would not exacerbate levels of overlooking. There is a separation distance of over 15m from the rear window of the building to the rear of no.31 Grantchester Street with a fence between the two gardens. As a result I do not consider that the rear ground floor window of the building or the use of the garden would lead to a loss of privacy at no.31 Grantchester Street.
- 8.14 Objections have been raised regarding noise and disturbance issues arising from the change of use. However, I do not consider that the introduction of a one-bedroom dwelling in a predominantly residential area would result in a significant increase of comings and goings or activities that would harm residential amenity of nearby properties to such an extent as to warrant refusal.
- 8.15 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 3/10.

Amenity for future occupiers of the site

- 8.16 The application provides a one-bedroom home with outdoor amenity space. The site is located in a sustainable location, with adequate cycle provision, close to services and facilities in the immediate area, as well as within walking distance to nearby bus stops. 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 3/4, 3/7, 3/10 and 3/12.

Refuse Arrangements

- 8.17 A bin collection point is already in use outside the front of the building to the south of the existing parking spaces which serves both the upstairs and downstairs flats. Whilst the refuse arrangements outside the front of the property are not ideal, they do not protrude over the footpath of Derby Street and are set behind the established building line of properties to the north and so are deemed to be satisfactory.
- 8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/10, 5/2 and 3/12.

Highway Safety

- 8.19 As the proposed access and number of parking spaces in front of the building is not altered by the proposed development, the proposal will not exacerbate issues of highway safety any more than existing.
- 8.20 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.21 The proposal includes a cycle store attached to the rear of the property which has sufficient space to accommodate cycle space on site for future occupiers and so this is acceptable.
- 8.22 Concerns have been raised regarding the increase in demand for on-street parking that the proposed dwelling would cause. The existing two parking spaces are used by the owner/occupier of no.31 Grantchester Street. Under the proposed change of use, the northern-most parking space would be

allocated for the occupiers of the proposed ground floor flat. I do not consider that the displacement of one of the car parking spaces of 31 Grantchester Street, or the use of the garage structure for separate use and subsequent use of the external parking space by the ground floor flat would significantly exacerbate parking demand on surrounding streets to such an extent as to warrant refusal.

8.23 With regard to these objections around the pressure on car parking in the surrounding area, it is my view that the on-site provision is acceptable for this development, and is in accordance with the Council's parking standards (which are expressed as maximum standards). The existing pressure on on-street car parking space will in itself be a disincentive to additional car ownership. The site is also located in a sustainable location; close to existing facilities and services, within cycling distance of the city centre and within walking distance of nearby bus stops and so it is considered that there is not necessarily a strong dependency for the private car arising from the unit as a means of travel.

8.24 In coming to this conclusion, I am also mindful of condition 3 of the previously approved application (c/98/0129) which states:

'The existing garages to the rear of 31 Grantchester Street shall be retained for the sole use of the occupants of 31 Grantchester Street and for no other purpose.

Reason: To ensure that parking is retained and available for 31 Grantchester Street'

8.25 The policies on which the condition are related to are now out of date. This does not necessarily mean that the condition is irrelevant but clearly the Council's parking standards are expressed as maximums and the proposal is not contrary to them. The question for members of Committee is whether the resulting provision of two car parking spaces, one for the host dwelling no. 31 and one for the new ground floor flat, would give rise to unacceptable on-street parking impacts, detracting from residential amenity (see policies 3/10b and 5/2b). My view is that it would be very difficult to argue the additional harm, if any, that would arise from increased on street parking demand given the small-scale nature of the proposal and existing conditions

on street, which I acknowledge suggest that parking is at or over capacity.

- 8.26 In my opinion, the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10 and also 3/10, 5/2 and 4/11 with respect to issues of amenity and impact on the conservation area arising from parking demand.

Third Party Representations

- 8.27 The majority of concerns have been addressed in the main body of this report.
- 8.28 The designation of this site under the Newnham Croft Conservation Area does not negate a change of use of the building. I am not in receipt of an objection from the Urban Design and Conservation Team.
- 8.29 The concerns raised regarding the legality of the street names are not planning considerations.
- 8.30 The other concerns are not planning considerations and so have not been addressed in this report.

Planning Obligation Strategy

Planning Obligations

- 8.31 As a result of the Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government) developer contributions on small-scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This also applies to all residential annexes and extensions. The proposed development falls below this threshold therefore it is not possible to seek planning obligations to secure community infrastructure in this case.

9.0 CONCLUSION

- 9.1 In conclusion, I consider that the proposed development is acceptable and approval is recommended.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

1. 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.

2. 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.

3. 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)

4. 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)

5. The curtilage (garden) of the proposed property as approved shall be fully laid out and finished in accordance with the approved plans prior to the occupation of the proposed dwelling or in accordance with a timetable otherwise agreed in writing by the Local Planning Authority and thereafter remain for the benefit of the occupants of the proposed property.

Reason: To avoid a scenario whereby the property could be built and occupied without its garden land, which is currently part of the host property (Cambridge Local Plan 2006 policies, 3/4, 3/7, 3/10).