

Application Number	15/0634/FUL	Agenda Item	
Date Received	8th April 2015	Officer	Mr Amit Patel
Target Date	3rd June 2015		
Ward	Petersfield		
Site	6 Hooper Street Cambridge CB1 2NZ		
Proposal	Minor material amendment, to application 13/1465/FUL, to include re-configuration of the bike store; new door arrangement from the utility to the strip of land at the rear of 7 and 8 Hooper Street; move the window serving the bedroom at ground floor flat at 6 Hooper Street to accommodate the change to the bike store; and addition of a canopy to stairs serving the first-floor flat at 6 Hooper Street.		
Applicant	Ashby Homes Ltd		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The principle of development has been established in the previous application <input type="checkbox"/> The design of the amendments is acceptable <input type="checkbox"/> The amendments will not have a significant impact upon neighbouring occupiers
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is an irregular shaped parcel of land that comprises a mix of residential and light industrial uses; the site frontage has an end of terrace two-storey dwelling, while to the rear at the northern end of the plot is an industrial unit, part of which is of two storey height, part single storey, that has been previously utilised as a car repair workshop.

- 1.2 The area is more generally characterised by narrow streets, tightly enclosed by 2-storey buildings, predominantly terraced late Victorian dwellings. To the east of the site are the terraced properties, 7 and 8 Hooper Street and their associated rear garden areas. To the west and of a slightly different character, with a rather more open feel are two larger buildings, that have been converted into flats, the nearest being 5 Hooper Street. To the north of the commercial building on the site is a small relatively low-key range of business units. To the south across the road is further terraced residential development running south along Kingston Street. There are trees in the rear gardens of properties adjacent properties, which are important to the site and immediate area.
- 1.3 The site lies within City of Cambridge Conservation Area No. 1 (Central). There is a significant tree located to the rear of numbers 6, 7, and 8 Hooper Street and houses on Sturton Street, which is visually important within the area to the rear of the Hooper Street dwellings. The tree is protected by its location within the Conservation Area.
- 1.4 There is a high demand for on-street parking in the vicinity of the application site, with a small number of formal on-street spaces. The access to the side of number 6 Hooper Street has been utilised for car parking. The site is also located within the Controlled Parking Zone.

2.0 THE PROPOSAL

- 2.1 The application is a minor material amendment to the previously approved scheme under planning reference 13/1465/FUL. The amendments are as follows:
- New door at ground floor from the utility to the strip of land at the rear of 7 and 8 Hooper Street*
 - Re-configuration of the bike store*
 - Move the window serving the bedroom at ground floor flat at 6 Hooper Street to accommodate the change to the bike store*
 - Add a canopy to the stairs serving the first-floor flat at 6 Hooper Street*

2.2 The application is accompanied by the following supporting information:

1. Plans

3.0 SITE HISTORY

Reference	Description	Outcome
07/0182/FUL	Conversion of existing dwelling house to 2 flats. Change of use of remaining site from car repair workshop to residential (demolition of workshop and erection of new block of 4 flats).	REF
07/0184/CAC	Demolition of car repair workshop.	W/D
08/1464/CAC	Demolition of workshop	A/C
08/1465/FUL	Subdivision of existing house to 2 flats and erection of a house (following demolition of existing workshop).	W/D
11/0441/FUL	Conversion of house to flats and demolition of workshop and replacement by one house.	Refused – Appeal Dismissed
13/1465/FUL	Erection of one 2 x bed dwelling, and conversion of No.6 Hooper Street into two 2 x bed flats together with cycle parking and associated hard and soft landscaping (following the demolition of the existing garage building present on site and part of the single store rear addition to No.6)	A/C

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 3/11 3/14 4/4 4/11 4/13 5/1 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)

	<u>Area Guidelines</u> Mill Road Area Conservation Area Appraisal (2011)
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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 (Engineering)

- 6.1 The Highway Authority does not consider that this application has any implications that will affect the highway network.

Head of Refuse and Environment

- 6.2 The proposal is acceptable subject to the conditions relating to construction hours, delivery hours, piling, dust, waste and contamination. Informative requested relating to dust.

Urban Design and Conservation team

- 6.3 The Urban Design Team have no comments to make on the submitted application.

It is considered that there are no material Conservation issues with this proposal.

Head of Streets and Open Spaces (Tree Team)

- 6.4 The potential loss of the cherry tree is regrettable but the more prominent tree in the front garden of the adjacent property can be retained. There is no objection to the proposal subject to conditions relating to a phased Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) to be submitted and implemented throughout the development.

Landscape

- 6.5 The Landscape Team has no objections to the proposed minor material amendments.
- 6.6 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:

- 8 Hooper Street

- 7.2 The representations can be summarised as follows:

- Not a minor material amendment as this is substantially different to the original scheme;
- The addition of the door to the utility leads to the change of use of the land close to the boundary with properties facing Hooper Street leading to noise and disturbance;
- The proposal will lead to overlooking to rear of 3, 5, 7 and 9 Sturton Street.

- 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 Heritage Assets
3. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Trees
8. Third party representations
9. Planning Obligation Strategy

Principle of Development

8.2 The principle of development has already been established by the approval of application reference 13/1465/FUL. There are no changes in policy or material considerations that affect the principle of the development.

8.3 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1.

Context of site, design and external spaces and impact on Heritage Assets

8.4 The previous proposal accepted that the design of the proposal fitted into the context subject to conditions. I note that the site context has not altered from the previous application and therefore the conditions remain relevant. The changes to the scheme are minor in comparison to the overall scheme.

8.5 The change proposed to the bike store, addition of a canopy over the stairs and moving the window are acceptable and the Urban Design and Conservation Team have not raised any issues regarding this.

8.6 The insertion of a door is not in itself a design issue but the use of the land is, which I cover in the amenity section below.

- 8.7 Considering the changes proposed and the representations received I consider that the development is acceptable in design terms.
- 8.8 Subject to condition, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12 and 4/11.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.9 The Environmental Health Officer has commented that the proposal being in a residential area is likely to create noise and disturbance through construction activity and therefore recommends conditions to control the hours of operation (Condition 5), and deliveries (Condition 6), and dust (Condition 7) and contaminated land (Condition 8), which I have recommended.
- 8.10 Representations have been received that the proposal will introduce amenity space to the rear of number 7 and 8 Hooper Street and this will lead to noise and disturbance and overlooking to Sturton Street.
- 8.11 The addition of the door from the utility room will make that strip of land more useable but this will only be for the occupiers of the new unit. No change of use is involved because the strip of land was part of land for the residential unit and still remains to be used by residential unit. The land measures 2.5m by 5m and therefore the increase in noise and disturbance will be limited as the space is not large enough to have gatherings and the main space is still to the rear of 7 and to the side of 8 Hooper Street.
- 8.12 The strip of land will be at ground-floor. There are no windows at first-floor. Representations have been received relating to overlooking. Considering that this will be at ground-floor and existing boundary treatment, the use of this space would not in my opinion lead to overlooking to the detriment of occupiers facing Sturton Street and Hooper Street.
- 8.13 The reconfiguration of the bike store will lead to a shift in the window serving the ground floor flat. I consider that this is

acceptable, as it will still provide light and outlook from this window. The addition of the canopy over the stairs serving the upper flat in 6 Hooper Street is also acceptable and would not give rise to any significant impact upon the neighbours. There are no other amendments that will lead to any other issues that were not covered previously and are therefore acceptable in other regards.

8.14 The conditions relating to the green screen are still recommended as this helped mitigate overlooking to the occupiers of number 5.

8.15 Subject to condition, 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 and Cambridge Local Plan (2006) policies 3/4 and 3/7.

Amenity for future occupiers of the site

8.16 With the introduction of additional amenity space I consider the proposal is acceptable and will provide a high quality living space. There are no other changes proposed than the ones listed above.

8.17 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

8.18 Comments have been received regarding the number of bins shown on the plans as not being adequate. The Environmental Health Officer has also commented that this is not sufficient but recommends a condition (Condition 13). I consider that there is room on site to accommodate the required number of bins as per the Council requirement and recommend a condition. The applicants have provided information on the previous scheme but not provided it on this scheme. The information was acceptable and I consider that this condition remains relevant.

8.19 Subject to condition, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12 and 4/13, and advice provided by the Cambridgeshire and Peterborough Waste Partnership (RECAP) : Waste Management Design Guide

Highway Safety

8.20 The local highway authority have commented that the proposal will not lead to any highway safety concerns. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2

Car and Cycle Parking

Car Parking

8.21 The previous scheme provided no car parking on site. This still remains and I consider that this was acceptable as the site is within close proximity to local amenities on Mill Road and cycle and bus routes. As there have been no alterations to routes and location I still consider this approach acceptable. The proposal of a car free scheme was considered acceptable in relation to the previous scheme which is a significant material consideration. I have taken the opportunity to add an informative regarding the existing car club scheme in the City.

Cycle Parking

8.22 There is cycle parking to be provided on site. This application seeks to re-configure this and therefore now each of the units will have enclosed cycle parking store. The plan shows two spaces per unit which is acceptable and in accordance with Cycle Parking Standards. I therefore do not recommend a condition relating to this.

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

Trees

8.24 The impact of the proposal on the existing cherry tree was raised by the previous Inspector, and was raised by third party objectors. This tree is in the rear garden environment and is not

highly visible from the street. It plays a limited role in the wider area and its loss has been accepted by the Arboriculture Officer. I agree with her advice and accept her request for tree protection conditions.

Third Party Representations

- 8.25 Representations have been raised that this is not a minor material amendment. The main scheme is not changing but there are some amendments to the original scheme. I consider that in this instance significant amount of the development is the same and therefore a 'minor material amendment' is an acceptable description of the development.
- 8.26 The issue of the use of land behind 7 and 8 Hooper Street has been addressed in the main body of the report under the heading "Residential Amenity" paragraphs 8.10 and 8.11.
- 8.27 The overlooking issue has been addressed in the main body of the report, under the heading "Residential Amenity" paragraph 8.11.

Planning Obligation Strategy

- 8.28 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 and tariff style contributions should not be sought. This also applies to all residential annexes and extensions. The proposed development falls at or below this threshold therefore it is not possible to seek planning obligations to secure community infrastructure in this case.

9.0 CONCLUSION

- 9.1 The development is an amendment to an already approved scheme under planning reference 13/1465/FUL. The amendments are considered to be acceptable in design terms and would not have a significant impact upon the neighbours. I therefore recommend approval subject to conditions.

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. Prior to the commencement of development, with the exception of below ground works, full details of all external materials shall be submitted to and approved in writing by the local planning authority. This may consist of large-scale drawings and/or samples. 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)

4. Notwithstanding the plan reference 06/552L/57C floor plan details are required showing the position and size of the window.

Reason: To protect the character and setting of the Conservation Area. (Cambridge Local Plan (2006) policy 4/11).

5. 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)

6. There should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on 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)

7. No development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the demolition / construction period has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

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

8. 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 LPA. 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.

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

(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.

9. The windows identified as having obscured glass on drawing number 06/552L/57B on the south and east elevation at ground floor level shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use of the dwelling and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 3/4 and 3/12 or 3/14).

10. Prior to the occupation of the new dwelling in the rear part of the site of 6 Hooper Street the green screen shown on drawing number 06/552L/57B shall be installed to the full height and details of the planting shall be submitted to and agreed in writing by the local planning authority. The Green Screen shall be implemented and retained in perpetuity unless otherwise agreed in writing by the local planning authority.

Reason: To protect the amenity of adjoining occupiers. (Cambridge Local Plan (2006) policy 3/4, 3/7 and 3/12).

11. A maintenance schedule for the green screen covering full details of planting and replacement planting shall be submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

Reason: To protect the amenity of adjoining occupiers. (Cambridge Local Plan (2006) policy 3/4, 3/7 and 3/12).

12. Prior to commencement and in accordance with BS5837 2012, a phased Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) shall be submitted to the local planning authority for its written approval, before any equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). In a logical sequence the AMS and TPP will consider all phases of construction in relation to the potential impact on trees and detail the specification and position of protection barriers and ground protection and all measures to be taken for the protection of any trees from damage during the course of any activity related to the development, including demolition, storage of materials, ground works, installation of services, erection of scaffolding and landscaping.

The approved AMS and TPP will be implemented throughout the development and the agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority.

Reason: For the protection of trees on and adjoining the site. (Cambridge Local Plan (2006) policy 4/4).

13. Prior to the commencement of development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheelie bins, recycling boxes or any other means of storage will be stationed and the arrangements for the disposal of waste. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenity of the adjoining occupiers. (Cambridge Local Plan (2006) policies 3/7 and 4/13)

INFORMATIVE: The applicants are reminded that the future occupiers will not have any on street parking permits except visitors.

INFORMATIVE: To satisfy the condition requiring the submission of a program of measures to control airborne dust above, the applicant should have regard to:

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

<http://www.cambridge.gov.uk/public/docs/sustainable-design-and-construction-spd.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

INFORMATIVE: The applicant is encouraged to ensure all future tenants/occupiers of the flats are aware of the existing local car club service and location of the nearest space.

INFORMATIVE: Conditions 3, 4, 7 and 13 have been discharged under reference 13/1465/FUL. No further information is needed in relation to them. The conditions provided the development is to be carried out in accordance with the agreed details.

Conditions 8 and 12 are partially discharged and require further details and completion on site to be fully discharged under planning reference 13/1465/FUL.