

Application Number	15/0567/FUL	Agenda Item	
Date Received	26th March 2015	Officer	Mr Amit Patel
Target Date	21st May 2015		
Ward	Romsey		
Site	63 Thoday Street Cambridge CB1 3AT		
Proposal	Construction of a two storey one bed room unit on land to the rear.		
Applicant	Mrs S Saunders C/O NEALE ASSOCIATES THE TRAM SHED 184 EAST ROAD Cambridge CB1 1BG		

<p>SUMMARY</p>	<p>The development does not accord with the Development Plan for the following reasons:</p> <p>The proposed development will have a cumulative impact on the open space to the rear of the site.</p> <p>The design of the building, especially the fenestration detailing will lead to an impression of a new dwelling rather than an out building and have a detrimental impact on the Conservation Area.</p> <p>The proposed building due to its position relative to the Birch tree will lead to future pressure of pruning or felling detrimental to the street and the tree.</p>
<p>RECOMMENDATION</p>	<p>REFUSAL</p>

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is the garden area for 63 Thoday Street. Catherine Street and Thoday Street are characterised by two storey residential properties with on street parking provision. St Phillips Road cuts across their axes and provides glimpse views down the backs of the two streets, partially obscured by outbuildings and infills.

- 1.2 The site is within the Central Conservation Area and is within a controlled parking zone.
- 1.3 To the west of the site is a shared path which provides access to the rear gardens of the properties in Catherine Street and Thoday Street.
- 1.4 Directly opposite the site to the south residential land has been split in a similar fashion to that proposed here and has been developed to provide a two-storey detached building used as a flat. Within the former garden of 39 Thoday Street, to the immediate west of the application site is a long timber clad, black painted building which provides for a flat a first floor level and provides parking underneath for Catharine Street properties.

2.0 THE PROPOSAL

- 2.1 The application seeks planning permission for a two storey residential studio. The proposed building has an apex roof form and would be accessed via St Phillips Road. The main windows would face onto St Phillips Road. The building would contain a high level roof light in the east, west and south elevations of the roofscape.
- 2.2 The proposed building would be 6.2 metres to the ridgeline. The footprint on the ground floor measures 6.4m by 5m and first floor 5.2m x 5.2m in plan form. The ground floor would be used for a bin/bike store, a lobby and shower room with an open plan kitchen/dining and living room. The first floor would be used as the main sleeping accommodation with en-suite.
- 2.3 The application is accompanied by the following supporting information:
 1. Design and Access Statement
 2. plans
- 2.4 The application is brought before Planning Committee because officers consider that this application causes wider policy issues for back-land sub-division within this part of the Mill Road Conservation Area. Existing and approved schemes are within the visual sphere of the site but have not responded sensitively

to the Conservation Area and there is a cumulative issue of erosion of back garden space, particularly regarding St Phillips Road that needs to be assessed. At the same time, officers recognise that this form of accommodation provides a need within Cambridge which must be balanced against the conservation concerns raised.

3.0 SITE HISTORY

Reference	Description	Outcome
C/71/0704	Conversion of terraced house into two flats	Approved
C/69/0345	Conversion of shop into a lounge and store into bathroom	Approved

SITE HISTORY FOR ADJACENT SITES

Reference	Description	Outcome
05/1184/FUL	Erection of 1no. 2 storey building incorporating 1no. 1 bed residential flat with parking below to the rear of 66 - 70 Catharine Street.	A/C (to the west)
13/1169/FUL	Construction of a two storey studio unit.	A/C (not built)
14/0399/FUL	Construction of two storey studio unit	A/C (immediately south)

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, Cambridgeshire and Peterborough Structure Plan 2003 policies, 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 3/12 4/11 5/1 8/4 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 Circular 11/95 Community Infrastructure Levy Regulations 2010
Supplementary Planning Documents	Sustainable Design and Construction Cambridgeshire and Peterborough Waste Partnership (RECAP) : Waste Management Design Guide Planning Obligation Strategy
Material Considerations	<u>Central Government:</u> Letter from Secretary of State for Communities and Local Government (27 May 2010) Written Ministerial Statement: Planning for Growth (23 March 2011)
	<u>Citywide:</u> Cambridge Walking and Cycling Strategy

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways)

- 6.1 No objection on the grounds of highway safety. The proposal would increase the demand for on street car parking in an area where competition is already intense and may result in the loss of some residential amenity. The removal of on street parking bays will need to be established with the County Council and should be conditional. There are conditions recommended relating to the redundant crossover, access width of 5m and run for 10m from the highway boundary and Traffic Management Plan. Informatives regarding works in highway, encroachment and Public Utility.

Head of Environmental Services

- 6.2 No objections raised – conditions recommended to protect amenity during construction works collection and deliveries.

Urban Design and Conservation Team

- 6.3 The proposal is not supported as the design of the proposal especially the first floor window gives a domestic feel rather than an outbuilding which the design tries to replicate and therefore harmful to the character and appearance of the Conservation Area. In addition the cumulative impact of the proposal on the Conservation Area will have a negative impact.

Trees

- 6.4 Object to the proposal in this form. The application seeks to retain the Birch tree. This is welcomed but concerns regarding the future pruning of the tree as the relationship of the building and tree, especially the large window. The application could be re-designed so that the bike and bin store were to be on the opposite side and the building to be moved eastwards.

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:

- 23 Hope Street
- 81 Cromwell Road
- 32 Romsey Road
- 3 Catharine Street
- 2 Willis Road
- 19A Belgrave Road
- 69 Thoday Street
- 5 Malta Road

7.2 The representations can be summarised as follows:

- Overdevelopment of the site
- Inappropriate location as it is eroding the character
- The cumulative impact is damaging to the area from parking and traffic
- Impact of the proposal on schools, etc
- Pressure on parking
- Fly tipping is increased

7.3 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

8.0 ASSESSMENT

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Trees
8. Third party representations
9. Planning Obligation Strategy

Principle of Development

- 8.2 The application site is located within, and surrounded, by residential development. The site is located within reasonable walking distance of a 'District and Local Centre' which is located to the south, on Mill Road. The site is also within close proximity to public transport links into the city centre and wider area.
- 8.3 The proposed residential redevelopment of the site is considered to be acceptable in this location and context. Windfall housing sites such as this are permitted subject to the existing land use and compatibility with adjoining uses.
- 8.4 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1 of the Cambridge Local Plan (2006).

Context of site, design and external spaces & impact on Conservation Area

- 8.5 The site is proposed to be subdivided from the main garden area to the rear of no.63 Thoday Street. The key issue is the visual impact of the proposal and the effect on the Conservation Area.
- 8.6 There are recent planning approvals for similar proposals in the immediate vicinity of the site on the southern side of the road (14/0399/FUL -39 Thoday Street and 13/1169/FUL -64 Catharine Street). The proposal at number 39 Thoday Street has been built and having visited the site I am concerned about the impact of this development on the street scene and Conservation Area. The proposal is at odds with the character of the area and the scale of the building to the rear of 39 Thoday Street means that the building does not read as a subservient out building and clearly reads as a residential building.
- 8.7 Given that there is a recent history of approvals in the vicinity of the site, it is clear that the character of the Conservation Area is being impacted. There is now concern that the cumulative impact of properties being built in the rear gardens of the existing dwellings is starting to have a negative visual impact and the current proposal would exacerbate this situation. Whilst I accept that other similar proposals have been granted

planning permission, the site must be assessed as it stands currently and the erection of the property at 39 Thoday Street is a material consideration, as is the extant planning permission for a further dwelling at 64 Catherine Street. In the light of this, I consider that the cumulative impact is key and that the immediate area has reached the point where no further development of this nature can be accommodated without visual harm to the character.

- 8.8 The Conservation Officer has advised that there are concerns regarding the cumulative effect of more development in this short stretch of St Philips Road, and the proposed large first floor windows which are very domestic in character. For these reasons the application is not supported as it will be detrimental to the character and appearance of the conservation area. In the light of this advice and the discussion above I am minded that the proposal would be unacceptable.
- 8.9 In my opinion the proposal would not be compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/10, 3/12 & 4/11.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.10 The proposed building would be located 5.7 metres away from the nearest rear point on no.63 Thoday Street (east). The rear part of the garden to number 65 Thoday Street to the north is a car parking space then moving east is a single-storey outbuilding. The proposals northern elevation will abut the car parking space of number 65. There will be a separation gap of approximately 20m from boundary with the application site and the buildings on the opposite side of the road to the south.
- 8.11 In view of these separation distances, site context and the overall scale of the building and the fact that there are no windows giving outlook to the north and eastern elevations, I am of the view that the proposed building is unlikely to create any significantly adverse residential amenity issues. There are no windows that would directly overlook the private amenity space of the adjoining properties. 66A Catharine Street is located to the west of the proposal and is in residential use. There are no windows in the east elevation of 66a or in the west

elevation of the proposal and therefore will not have any significant impact on residential amenity for this neighbour.

- 8.12 To the north of the site are the rear gardens of the properties facing Thoday Street and Catherine Street. The rear gardens of properties facing Catherine Street are obscured by the building of 66a Catharine Street and considering that there are no windows in the west elevation, the proposed building is considered to be located far enough away from the private amenity space of the surrounding properties so as not to have a significant impact in terms of appearing overbearing and loss of light.
- 8.13 The Environmental Health Team has commented that the proposal is within a residential area and construction and deliveries should be controlled to minimize the disruption caused. This aspect can be controlled by way of a suitably worded condition should the proposals be deemed acceptable.
- 8.14 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, 3/10 and 3/12.

Amenity for future occupiers of the site

- 8.15 Any future occupant will have access to some amenity space which roughly measures 2.5m by 4m. I accept that this is small however, the site is located within relatively close proximity to Romsey recreation ground on Vinery Road. The site is also located within close proximity to the local shops and services, as well as the city centre and public transport links. The proposed building would have good access to local amenities and given the small size of the unit it would be unlikely to be occupied as a family unit and as such the amenity space is considered acceptable.
- 8.16 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

- 8.17 Representations have been received regarding increase in illegal waste dumping. The proposed building has been laid out to accommodate a bin storage area on the ground floor in a separate vented room which is accessible from the public highway. I consider that the waste storage is sufficient to accommodate the three bins required and therefore is acceptable.
- 8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.19 The Highway Authority have not raised any concerns with regard to highway safety and I consider that there would not be any issues in this regard.
- 8.20 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

Car Parking

- 8.21 The Highway Authority have commented that the development would result in the loss of off-street parking and would be likely to 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. Third party representations have also been received regarding the impact of the proposal on loss of car parking.
- 8.22 Whilst I accept that there would be a loss of a car parking space, I do not agree that the loss of one space would have a significant impact on the existing car parking provision of the area. The site is located in a sustainable location and the shortage of car parking space would be an additional incentive not to keep a car. Given the size of the unit, and the proximity of

public transport on Mill Road, cycle and walking routes, this lack of parking is deemed acceptable.

- 8.23 The proposal is in accordance with the Council's Car Parking Standards, which are maximum requirements.

Cycle Parking

- 8.24 The proposal includes cycle parking for two cycles on the ground floor. This complies with the Council's Cycle Parking Standards.

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

Trees

- 8.26 The proposal seeks to retain the Birch tree in the front garden. The Arboriculture Officer has commented that the proposal may have an impact upon the retention of the tree due to the future pressure to prune it. I note that the relationship of the proposal to the tree will have some impact on the windows in the north elevation which is a single aspect outlook, which is a cause for concern. I agree with the Arboriculture Officer that the retention of the tree is acceptable but being in a rear garden location and highly visible in the street the tree plays an important role to give a green breathing space and adds to the character of the rear gardens. The proposal, as submitted, leads me to consider that there will be future pressure to prune or fell the tree.

- 8.27 In my opinion the proposal is not compliant with Cambridge Local Plan (2006) policy 4/4.

Third Party Representations

Principle of development – Over development, eroding character	Covered in paragraphs 8.2 and 8.5 to 8.8
Design – Cumulative impact	Covered in 8.5 to 8.8
Traffic – safety, increased parking,	Covered in 8.20 to 8.24
Other – impact on schools	The proposed building is a one bed studio unit. There increase in numbers of residents from this unit will not, in my opinion, have a significant increase on services such as schools etc and this would not be a reasonable planning reason for refusing the application.
Refuse arrangements and fly tipping	8.16 refuse arrangements, Fly tipping is covered by other legislation and cannot be afforded significant weight in the determination of this application.

8.28 This application was received prior to the High Court ruling on 31 July 2015, which quashed the ministerial statement from the Department of Communities and Local Government in late November 2014 that S106 contributions should not be sought from developments of fewer than 11 homes. Whilst this means that new S106 contributions can once again be considered for housing developments of 10 homes or less, the implications of the S106 pooling constraints, which came into effect from 6 April 2015, also need to be taken into account.

Given the council's previous approach to S106 contributions (based on broad infrastructure types within the city of Cambridge), the pooling constraints mean that:

- S106 contributions have to be for projects at specific places/facilities.
- The amount of S106 contributions secured has to relate to the costs of the project for mitigating the development in the

context of the capacity of existing facilities serving the development.

- Councils can no longer sign up to any more than five new S106 contributions (since 6 April 2015) for particular projects to mitigate the impact of development.

The Council is, therefore, now seeking S106 contributions for specific projects wherever practicable, but this does not mean that it will be possible to seek the same number or amount of contributions as before. **In this case, there has not been enough time, since the High Court ruling, to identify suitable specific on-site projects.** Council services are currently reviewing and updating their evidence bases to enable more S106 contributions for specific projects to be recommended in future.

9.0 CONCLUSION

- 9.1 In the light of the preceding discussion it is concluded that the proposals would be unacceptable by virtue of the scale, siting and cumulative visual impacts of this proposal and others already permitted in the vicinity of the site which would erode the character of the Conservation Area. There would also be pressure on the Birch tree for future pruning/removal which would be likely to result in the loss of the tree.

10.0 RECOMMENDATION

REFUSE on the following grounds:

1. The proposed studio flat due to the infilling of the gap, eroding the open space and being of a scale and form which is highly visible in the street would create a form of development that cumulatively has a detrimental impact upon the character and context of the Conservation Area. In addition to this the pressure on the Birch tree will be significant that the pressure to prune or fell the tree will be detrimental to the tree which plays an important role with in the street. For these reasons the proposed infill studio would be contrary to policies 3/4, 3/7, 3/10, 3/11, 3/12, 4/4 and 4/11 of the adopted Local Plan.