

<b>Application Number</b>	15/1194/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	22nd June 2015	<b>Officer</b>	Mr Sav Patel
<b>Target Date</b>	17th August 2015		
<b>Ward</b>	Petersfield		
<b>Site</b>	Jubilee House 3 Hooper Street Cambridge Cambridgeshire CB1 2NZ		
<b>Proposal</b>	Change of use from office (B1a) to form 2x 2 bed and 6x 1bed residential units (C3) along with 3 storey rear extensions, with roof terrace, and alterations.		
<b>Applicant</b>	c/o Agent United Kingdom		

<p>SUMMARY</p>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed change of use from office to residential is considered to be acceptable as it would be compatible with surrounding uses and provide a popular form of housing in this sustainable and central location;</li> <li>- The proposed extensions and alterations are considered to be acceptable in terms of design, scale and materials such that they would not have an adverse impact on the character or appearance of the Conservation Area.</li> <li>- The proposed development would not subject to conditions have any adverse impact on the residential amenity of the surrounding neighbours and would provide future residents with a high quality form of living accommodation.</li> </ul>
<p>RECOMMENDATION</p>	<p>APPROVAL</p>

## **1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 The application site consists of a five storey detached office building located on the northern side of Hooper Street. The building is known as Jubilee House and is set back from the site frontage, which is defined by two mature Horse Chestnut trees. There is also a similar Horse Chestnut tree, which is set back and on the western side of the site. To the west of the building is an access drive which leads to a car parking area (5 spaces) to the rear of the building and provides access to the residential units of Celtic House. To the east is the three storey detached building at no.5 Hooper Street which has recently been converted into flats. No.5 sits further forward (east) than Jubilee House and there are a number of communal garages located at the rear. No.5 appears to have been subdivided into flats.
- 1.2 The prevailing pattern of development in this area is of modest two storey terrace housing.
- 1.3 The site is located within a Conservation Area and Controlled Parking Zone. The Horse Chestnut trees are protected by Tree Preservation Orders.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is to convert the existing office building into 8 residential flats including rear extension (removal of existing pitched roof dormer), flat roof dormer with external terraces, alterations to the layout of the amenity space to the front and rear and changes to the fenestration of the building. The proposal also includes two pitched roof dormers on the southern roofslope following removal of the existing pitched roof dormer.
- 2.2 The proposal includes boundary treatment in the form of wrought iron railing at the front of the site and along part of the western boundary.
- 2.3 The proposal also includes the removal of 3 Lime trees two from the western boundary and one which forms part of a group of Limes that define part of the eastern boundary to the rear of the building.
- 2.4 The proposed scheme has been amended from its original design and layout. I set out below the main amendments:

- 1) Removal of entrance gate at the front of the site;
- 2) Two formal parking bay at the front of the building;
- 3) Communal outdoor space in front of the building;
- 4) Threshold to flat 1 to improve amenity of future occupier;
- 5) Two external terraces on the rear elevation to flats 3 and 5;

### 3.0 SITE HISTORY

Reference	Description	Outcome
14/1959/B1C3	Prior Approval notification of proposed change of use from B1(a) (offices) to Class C3 (dwellinghouses) to form nine studio flats	WITHDRAWN
14/1993/FUL	Construction of two cycle stores to serve the building	WITHDRAWN

### 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 Local Plan 2006	3/1 3/4 3/7 3/14 4/4 4/11 5/1 5/2 8/1 8/2

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	Sustainable Design and Construction (May 2007)  Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
Material Considerations	<u>City Wide Guidance</u>  Cycle Parking Guide for New Residential Developments (2010)  Roof Extensions Design Guide (2003)
	<u>Area Guidelines</u>  Mill Road Area Conservation Area Appraisal (2011)

#### 5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan that should be taken into account.

## **6.0 CONSULTATIONS**

### **Cambridgeshire County Council (Highways Development Management)**

First Comments

- 6.1 The future residents will not quality for Residents' Permit within the existing scheme.

Second comments

- 6.2 Object to the proposed gates. The proposed new gates at the front of the site to the rear of the footway would require a motor vehicle to stop within the adopted highway and obstruct the carriageway when the gates are being opened/closed. To overcome the objection by removal of the gates or setting them back 5 metres from the back edge of the footpath.

Third comments (following submission of revised plans showing removal of the gates).

- 6.3 No comments to make on the revised plan.

### **Environmental Health**

- 6.4 The proposed development is acceptable subject to condition on construction hours.

### **Refuse and Recycling**

- 6.5 As the existing bin store would be used, the applicant should ensure the waste storage capacity requirements are met, as follows:

Residual waste = 45-50L per person

Dry recycling = 50-55L per person

Organic waste = 20-30L per person, depending on garden size

## **Urban Design and Conservation Team**

Conservation Team:

First Comments

- 6.6 The proposals for the rear and roof extensions are not considered to be appropriate to the character or appearance of the conservation area. The application is therefore not supported. To avoid harming the conservation area, the extension should be in brick with a more sympathetic roof form.

Second Comments

- 6.7 The amendments that have been made to the application do not overcome the issues raised in the original Conservation comments which still stand. In addition, loss of the pedestrian and vehicular gates to the front is unfortunate as these were welcomed as improving the setting of the building.

Urban Design Team (First and second comments):

- 6.8 It is considered that there are no material urban design issues with this proposal.

## **Head of Streets and Open Spaces (Sustainable Drainage Officer)**

First Comments:

- 6.9 The proposed development is acceptable as the proposals do not appear to increase flood risk and the onsite drainage appears to have the capacity to deal with the additional foul water flows.

Second comments:

- 6.10 No further comments to make

## **Head of Streets and Open Spaces (Tree Team)**

- 6.11 No comments received to date. I will report comments either to the amendment sheet or orally at Committee.

6.12 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:

- 136 Gwydir Street
- 138 a Gwydir Street
- 140 Gwydir Street
- 2 Celtic House, Hooper Street
- 17 Belvoir Road

7.2 The representations can be summarised as follows:

- Concerned by the bins which will be left on the footpath;
- Inadequate car parking – 1 per flat should be provided;
- Side passage must be kept open at all times during and after building works;
- Would like root line from under property to be removed when 3 trees are removed;
- Concerns with disruption, dust and general inconvenience during construction works;
- Concerned about not being notified;
- How long will works last?
- What provisions will be made for skips?;
- What are the permitted hours of work and what noise assessment has been carried out to mitigate construction noise;
- Will future residents be entitled to visitor permits;

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. Third party representations
8. Planning Obligations (s106 Agreement)

### **Principle of Development**

- 8.2 The principle of the proposed change of use from office (B1a use) to residential (C3 use) is considered to be acceptable as the adopted plan does not safeguard B1a uses.
- 8.3 The proposed development would constitute windfall housing in a sustainable location which is compatible with the surrounding uses and policy 5/1. The principle of the proposed development is therefore considered to be acceptable in this context.
- 8.4 Policy 5/2 of the Cambridge Local Plan 2006 supports the conversion of larger properties and non-residential buildings into housing provided that the development meets the following tests:
- Original property at least 110m<sup>2</sup> in floor area
  - No unacceptable impact on on-street car parking
  - Satisfactory living accommodation provided
  - Satisfactory refuse bin and cycle storage
  - Location and nearby land uses do not preclude a satisfactory level of residential amenity
- 8.5 I set out below my assessment of the proposal in relation to the above criteria.

#### Original property at least 110m<sup>2</sup> in floor area

- 8.6 The existing property has a total floor area of 258m<sup>2</sup>. Therefore the property is compliant with this criterion.

#### No unacceptable impact on on-street car parking

- 8.7 The proposed includes 6 off street car parking spaces; two at the front and four at the rear. This level of car parking is

considered to be acceptable in this centrally located site. The Council's car parking standards in the adopted Local Plan has maximum standards. The standard seeks 1 space up to 2bedrooms as a maximum inside a Controlled Parking Zone. Therefore, in my view, given the site is located within close proximity of Mill Road Local Centre, where there are bus stops and the city centre is a reasonable walk and cycle ride away, I consider the level of car parking to be acceptable in this context. I have nevertheless recommended a Car Club informative to ensure future residents are aware of their local Car Club spot.

#### Satisfactory living accommodation

- 8.8 The proposed 8 flats are considered to provide future residents with high quality living accommodation. 6 of the flats would have their own terrace areas and there is a small communal courtyard at the front of the building for residents to enjoy. The living accommodation in each flat provides kitchen, lounge, dining room, separate bedroom with ensembles (the two bed units would also have a separate bathroom) and good access to outdoor space.
- 8.9 The proposal has been amended to improve the outlook from flat 1 which is in the basement. The applicant has provided a light well which can be used as a terrace.
- 8.10 I am therefore satisfied that the proposed development would provide future residents with a high quality living environment and accommodation.

#### Satisfactory refuse bin and cycle storage

- 8.11 The proposal includes provision for bin and cycle storage provision. There is an existing bin store with a brick surround located to the rear of the property along the western boundary. The proposal is to utilise this for the proposed residential units. No specific details have been provided to demonstrate it can accommodate the required amount of waste receptacles, particularly as there is a tree in the corner of the enclosure. I have therefore recommended a waste condition (5) so that details of the layout and size of the bins are provided.

- 8.12 The proposal is to provide a covered and secure cycle shelter adjacent to the bin store. This would require the removal of 2 Lime trees. The cycle shelter would provide 6 Sheffield stands which would enable 12 cycles to be parked. The proposed cycle storage arrangement is considered to be acceptable.

Location and nearby land uses do not preclude a satisfactory level of residential amenity

- 8.13 The proposal to change the use of the existing office building to residential flats would be compatible with the surrounding environment which is predominantly in residential use. The proposed reuse and subdivision of the office building as residential flats would provide a popular form of housing in a central and sustainable location.

- 8.14 The existing building is located away from the western boundary by between 4 and 5 metres. To the west are the rear gardens of the dwellings that front onto Gwydir Street. There are no windows in the western elevation of the existing building.

- 8.15 The proposed rear extension would incorporate four windows which would serve bedrooms. The bedrooms would also have windows that face north (in the rear elevation) and so the west windows are not principal windows. The proposed windows in the western elevation would be approximately 19 metres from the rear of the dwellings in Gwydir Street. Therefore, whilst the level of window to window separation would represent an acceptable relationship with the occupiers of the dwellings to the in Gwydir Street, I have nevertheless recommended the windows be obscure glazed by up to 1.7 metres from internal floor level. As they are not principal windows, this would mitigate the perceived overlooking on existing residents whilst maintaining the appearance of the proposed western elevation. I have also recommended a condition for 1.7 metres high screens to be inserted on the side of the balconies and roof terrace to mitigate the impact from overlooking of the rear gardens in Gwydir Street.

- 8.16 I do not consider the proposal would have any adverse impact on the residential amenity of the occupiers in Celtic House. The front elevation of Celtic House is west facing and so there would be no issue with window to window impact. Also the existing office building has windows in the rear elevation which faces

north. The proposed residential use of the building would improve natural surveillance over the rear of the building and for the residents in Celtic House. I also do not consider the proposed extension and balcony structure would have significantly adverse impact on the adjoining building at no.5 Hooper Street. No.5 is set further forward than Jubilee House and the proposed rear extension and balcony structure would be set in from the boundary. Therefore there would be no issue with overlooking into existing windows. The only issue would be the ability for future residents to overlook the existing open space and garage block to the rear. This is not considered to have any adverse impact on residential amenity of the occupiers in the adjacent building. The proposed roof terraces on the rear elevation would be partly screened by the canopy of the existing Lime trees and would not, in my view, cause any significant levels of overlooking.

- 8.17 The proposal includes a 1.8 metre high frosted screen panel between the two roof top terraces to avoid overlooking between future residents. This is considered to be acceptable.
- 8.18 Concerns have been raised by some local residents about the potential noise cause from construction work. I have therefore recommended a construction hours condition to restrict working hours. I have also recommended a dust condition to mitigate any impact on the residential amenity of the adjacent neighbours.
- 8.19 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/14, 5/1, 5/2, 8/6 and 8/10 of the Local Plan (2006)

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

- 8.20 The proposed rear extension would infill the stepped sections at the rear of the building and give it a squarer footprint and flush appearance. The scale of the extension is considered to be an acceptable intervention to the existing building and would not appear dominant or bulky in appearance. The modest scale of the proposed extension also would not appear overbearing such that it would create an adverse sense of enclosure of neighbouring properties due to the level of separation from adjacent properties. The proposed extension would also be south of Celtic House, west of no.5 and east of the dwellings in

Gwydir Street. On this basis, the proposal would not cause any significant level of overshadowing over the aforementioned sites such that it would have a significantly detrimental impact on residential amenity. The rear extension would only be visible from oblique angles from Hooper Street. The existing trees at the front and on the side boundary would help to soften its appearance from the public domain.

- 8.21 The western elevation would have brickwork recess detailing for a downpipe. This detail would in my view provide a distinctive break between the original and proposed extension whilst also breaking up the western elevation. The western elevation also includes a small chamfered edge section which is an existing feature found on the front of the site. This edge detailing also provides more space for landscaping around the building.
- 8.22 Following concerns with the amenity space of future residents, the applicant has introduced rear balconies and a terrace to three flats. The basement flat (1) would benefit from a terrace would project 1.7 metres and flats 3 and 5 would benefit from covered balconies. The balcony structure is proposed to be of galvanised steel frame with metal railings. The structure would be adjacent to the eastern boundary and overlook the car parking spaces. The structure would appear as a light weight frame which would not add significantly to the scale of the rear extension. I am therefore satisfied with the design and appearance of this structure as it would also benefit the residential amenity of future residents.
- 8.23 The proposed roof extension would introduce a contemporary element to the traditional form of the building. The proposal is to clad the cheeks of the roof dormer with standing seams, metal roof and the face with timber shiplap cladding. This combination of crisp metal, soft timber and glazed balustrading would give the roof extension a distinct and light weight appearance at roof top level. The side cheeks would be set in so as to appear as an extension rather than the entire roof. This would reduce its appearance from Hooper Street and maintain the appearance of the roofscape. The Conservation Team is not supportive of the proposal due to the roof extension. Whilst I appreciate their concerns, I do not consider their concerns to be significant enough to warrant refusal. The proposed roof extension would introduce a modern dimension to this traditional Victorian building in a sympathetic and visually appealing manner. The

proposed dormers on the front are modest and similar in appearance of the existing pitched roof dormer. I am therefore satisfied that the design and scale of the proposed roof extension would not have a significantly detrimental impact on the character or appearance of the Conservation Area. My view is that the roof extension would contrast successfully with the traditional building.

- 8.24 In terms of external space, the proposal has been revised to provide future occupiers with a communal area at the front of the building. This area is proposed to be landscaped and I have recommended a soft and hard landscaping condition to ensure the details of this are provided and agreed. The existing car parking area to the rear is to be retained with the loss of one space in order to provide a suitable threshold for the basement flat. The access to the rear of the building and to Celtic House will not be affected by the proposed development. Therefore, the limited external space around the building has been arranged to maximise its use to the future occupier.
- 8.25 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/14 and, 4/11.

### **Refuse Arrangements**

- 8.26 The existing bin storage enclosure is proposed to be used. It is located within a convenient location and close to the collection point. However, no details have been provided as to whether it can accommodate the required amount of receptacles. I have therefore recommended a condition so that these details can be agreed. Subject condition, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Highway Safety**

- 8.27 The applicant has removed the proposed gates at the front of the site which was of concern to the highway authority. In view of this the Highway Authority has not raised any concerns with this proposal in terms of highway safety.
- 8.28 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

## Third Party Representations

8.29 I set out below my response to the third party representations received:

Representation	Response
Bin storage and collection	A dedicated bin store is proposed for future occupiers. They will also be responsible for collecting and storing the bins.
Inadequate car parking	The proposal would provide 6 spaces for the 8 flats. In this sustainable and central location which is close to the Mill Road Local Centre, bus stops and railway station, I consider the level of car parking to be more than acceptable for this site in this context.
Side passage	The gates which were originally proposed have been removed and there is no other obstruction that would prevent access to the occupiers of Celtic House.
Concerns with disruption during construction work	This is an inevitable part of development. In order to minimise the impact on local residents I have recommended a construction hours and dust condition. The Environmental Services have not requested a construction noise condition as the proposed development is not considered to be significant enough to warrant this level of information.
Concerned with neighbour notification	Having checked the neighbour consultation list all affected neighbours were consulted and a site notice was displayed on site and an advert placed in the local newspaper.
How long will the works last	I am not aware of the applicant's timescales for this project.

Parking/visitor permits	The Highway Authority have advised that the future occupier will not be entitled to join the existing Residents' Permit Scheme.
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## **Planning Obligations (s106 Agreement)**

### **Planning Obligations**

8.30 The Community Infrastructure Levy (CIL) Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. Each planning obligation needs to pass three statutory tests to make sure that it is

- (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.

8.31 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.

8.32 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.

8.33 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, for example, 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. More details on the council's approach to developer contributions can be found at [www.cambridge.gov.uk/s106](http://www.cambridge.gov.uk/s106).

## **9.0 CONCLUSION**

9.1 The proposed change of use of the existing building from office to residential flat is considered to be acceptable in principle.

9.2 The proposed extensions and alterations primarily affect the rear of the building. The rear extension is considered to be acceptable in terms of its scale and design. The proposed roof extension and materials would introduce a contemporary feature to a traditional building which in my view would contrast sympathetically without having an adverse impact on the character or appearance of the Conservation Area. The proposed addition of a covered framed balcony structure on to the rear extension would appear lightweight and would not detrimentally affect the scale or design of the rear elevation.

9.3 The proposed development would not in my view have any adverse impact on the residential amenity of local residents. I have recommended conditions to ensure any impact from overlooking and construction work is mitigated.

## **10.0 RECOMMENDATION**

**APPROVE** subject 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. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

4. No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 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. 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 wheeled bins will be stationed and the specific arrangements to enable collection from within 10m of the kerbside of the adopted highway/ refuse collection vehicle access point. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained for their intended use 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 3/12 and 4/13

6. The glazed balustrade on the western side of the roof terrace and windows on west elevation at first and second floor level shall be obscure glazed to a height of 1.7 metres above finished floor level and to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of the extension. The windows 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).

7. Prior to occupation of the flats, details of the type of screen shall be inserted on the western side of the ground and first floor balconies shall be submitted to and approved in writing by the Local Planning Authority. The screens shall be obscure glazed to a height of 1.7 metres above finished balcony floor level and to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent.

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

**INFORMATIVE:** Following implementation of any Permission issued by the Planning Authority in regard to this proposal the residents of the new dwelling will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets.