

Application Number	15/0848/FUL	Agenda Item	
Date Received	5th May 2015	Officer	Miss Catherine Linford
Target Date	31st July 2015		
Ward	East Chesterton		
Site	135A Green End Road Cambridge Cambridgeshire CB4 1RW		
Proposal	First floor side extension and amendment to roof creating 3 studio flats, 1 1-bedroom flat and 1 shop unit		
Applicant	Mr A Antony 135A Lashan Stores Green End Road Cambridge Cambridgeshire CB4 1RW United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The proposed extension would improve the appearance of the building and are visually acceptable. <input type="checkbox"/> The proposal would not have a significant detrimental impact on the occupiers of neighbouring properties. <input type="checkbox"/> Satisfactory living accommodation would be provided.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 135A Green End Road is a two storey, detached building situated on the northwestern side of Green End Road. The building contains a shop on the ground floor, and residential accommodation on the ground floor and first floor. The surrounding area is predominantly residential. The site is not within a Conservation Area.

2.0 THE PROPOSAL

- 2.1 Full planning permission is sought for a first floor side extension, amendments to the design of the roof, and the conversion of the building into a shop, three studio flats, and one one-bed flat. The shop would remain as it currently is, with the one one-bedroom flat on the ground floor and the three studio flats on the first floor.
- 2.2 The application has been amended and originally sought planning permission for a shop and five studio flats, with two studio flats on the ground floor and three studio flats on the first floor.

3.0 SITE HISTORY

Reference	Description	Outcome
C/89/0593	Alterations to shopfront	A/C
C/90/0521	Change of use (on part of the premises) from retail shop (A1) to a hot food takeaway shop (A3)	A/C
C/91/0922	Change of use of existing garage at side of shop to video rental shop (Class A1)	REF
C/92/0218	Change of use of domestic garage to form extension to adjoining shop (A1)	A/C
C/95/0178	Change of use from Class A1 shop to Class A3 takeaway (relates to existing shop extension only)	REF
C/03/0506	Conversion of existing shop and flat into 3no. flats and smaller shop, including first floor side extension and increase in height of roof	Withdrawn
14/0523/OUT	Outline application for new shop unit and 5 self contained flats to replace existing shop unit with bedsits above.	Withdrawn
04/1311/FUL	Change of use from shop and one flat (three-bedroomed) to a shop and three flats (one-bedroomed), including alterations	REF

and extensions.

4.0 PUBLICITY

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

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 3/11 3/14 5/1 5/2 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
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012) Planning Obligation Strategy (March 2010)

Material Considerations	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010)
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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 that should be taken into account.

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 No off-street car parking provision is made for the additional residential accommodation. The development is therefore 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.

Head of Refuse and Environment

- 6.2 No objection, subject to conditions relating to construction hours and plant noise insulation.

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:

- 135 Green End Road
- 138 Green End Road
- 140 Green End Road

7.2 The representations can be summarised as follows:

- Overlooking
- Dominance
- The pitched roof on the single storey element may not be buildable and could be changed to a flat roof. It could then be used as a roof terrace.
- Lack of parking

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

Principle of Development

8.1 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining uses. The surrounding area is predominantly residential, and therefore the potential of additional residential properties in this area is acceptable in principle, but is dependent on detail.

Context of site, design and external spaces

8.2 It is proposed that the first floor is extended above the existing single storey element at the side of the building, which abuts the common boundary with 135 Green End Road. In order to tie the extension into the existing building, it is proposed that the roof is altered. It is also proposed that the projecting wing at the rear is widened and that a single storey extension is erected

adjacent to this. In my opinion, the proposed extensions would improve the appearance of the building and I consider them to be visually acceptable. I recommend a condition requiring the material used to match the existing building.

- 8.3 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, and 3/14

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.4 The proposed extension would be 2m wide, and would stand to the southwest of 135 Green End Road. Due to the width of the extension, and the distance between the extension and the neighbouring house it is my view that it would not overshadow, dominate or enclose this neighbouring property to such a degree that it would warrant refusal of the application. No windows are proposed on the side elevation, and therefore there is no potential for direct overlooking from windows. An additional window is proposed on the rear elevation but due to the angle of the plots it is my view that this window would not overlook No. 135. Concern has been raised that the pitched roof on the single storey element would not be buildable and could be altered to a flat roof, which could be used as a roof terrace. Alterations to the design of the roof would require a new planning application.
- 8.5 Considering the size of the proposed flats it is likely that the property would be occupied by no more than eight people. Although this is more than would be likely to occupy the existing accommodation, it is my view that it would not result in a level of noise or disturbance great enough to justify the refusal of planning permission.
- 8.6 No plant is proposed for the shop and if any plant were to be installed planning permission would be required. I therefore consider it unreasonable to add a condition regarding plant noise, which has been recommended by Environmental Health.
- 8.7 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

Amenity for future occupiers of the site

- 8.8 The amenity space provided is minimal. An area has been designated as private amenity space for the ground floor flat to ensure the privacy of the occupiers of this property. In my opinion this level of provision is acceptable for a one-bed flat. The remaining area would be shared by the first floor studio flats. Whilst this area is small in my view that it is sufficient.
- 8.9 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 3/14.

Refuse Arrangements

- 8.10 It is proposed that refuse bins are stored along the access pathway at the side of the building. This pathway is wide and there is sufficient space in my view. The Environmental Health Officer has not raised any concerns.
- 8.11 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Car Parking

Cycle parking

- 8.12 No off-street parking spaces are proposed for the flats. Considering the site's sustainable location it is my opinion that this is acceptable.

Cycle parking

- 8.13 It is proposed that the existing outbuilding at the rear is used for cycle parking. In my view, this is an acceptable solution as this would be secure and covered.
- 8.14 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

8.15

Issue raised	Response
Overlooking	Addressed in paragraph 8.4
Dominance	Addressed in paragraph 8.4
The pitched roof on the single storey element may not be buildable and could be changed to a flat roof. It could then be used as a roof terrace.	Addressed in paragraph 8.4
Lack of parking	Addressed in paragraph 8.12

Planning Obligation Strategy

Planning Obligations

8.16 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.

8.17 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.

- 8.18 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.
- 8.19 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.

9.0 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. 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)

4. The extension hereby permitted shall be constructed in external materials to match the existing building in type, colour and texture.

Reason: To ensure that the extension is in keeping with the existing building. (Cambridge Local Plan 2006 policies 3/4, and 3/14)