

Application Number	16/0278/FUL	Agenda Item	
Date Received	16th February 2016	Officer	Michael Hammond
Target Date	12th April 2016		
Ward	Trumpington		
Site	65 Aberdeen Avenue Cambridge Cambridgeshire CB2 8DL		
Proposal	Change of Use from Retail (Class A1) to Residential (Class C3), to form 1x 1 bed and 1x 2 bed apartments, along with ancillary operational development		
Applicant	c/o Agent United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The loss of the retail unit is considered to be acceptable. - The proposed change of use would not harm the amenity of neighbouring properties. - The proposal would respect the character and appearance of the Conservation Area.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site, no.65 Aberdeen Avenue, is comprised of a retail unit which occupies the ground floor of a seven storey residential block of flats within the Accordia development site. To the west of the site lies Aberdeen Square which is a green open communal space in the heart of the Accordia site. Immediately to the south are the large former government buildings of Eastbrook. There is a detached timber cycle/ bin

store to the south of the main building which provides bin and cycle storage for the retail unit as well as the upper floor flats. There is off street residential parking to the north-east of the site which is accessed via Lennox Walk.

- 1.2 The surrounding area is predominantly residential in character and is formed generally of two and three-storey properties designed in brick with flat roofs, some of which have roof top garden terraces. There are examples of larger residential blocks of flats in the wider area.
- 1.3 The site falls within the Brooklands Avenue Conservation Area. There are Article 4 directions on the buildings to the north and north-west of the application site but the application site is not covered by an Article 4 direction.

2.0 THE PROPOSAL

- 2.1 The proposal, as amended, seeks full planning permission for the change of use of the ground floor from retail use (class A1) to residential use (class c3), to form 1no. one-bedroom and 1no. two-bedroom apartments, along with ancillary operational development.
- 2.2 The proposed works would be predominantly internal although there would be some changes to the external fenestration of the building:

Front Elevation (West)

- Shopfront windows replaced with full height windows to match existing.
- Steel and glazed balustrade system to enclose patio area.

Side Elevation (North)

- New louro clad entrance door to flat no.1.
- Existing glazed window panes replaced with cedar cladding within existing frame.
- Proposed hinged lockable gate.
- Proposed window adjacent to new entrance to flat no.1

Rear Elevation (East)

- Existing door replaced with window frame, partially clad to match existing walls.

Side Elevation (South)

- Existing side door for retail unit changed to main entrance for flat no.2.
- Existing glazed windows panes replaced with cladding within existing frame.
- Proposed hinged lockable gate.

2.3 The bin storage for the proposed units would be located in the existing detached bin store, using the space formally belonging to the retail unit. There are currently two parking spaces specifically designated along Lennox Walk for the retail unit and these would be made available to future occupants of the proposed dwellings. The application originally included cycle parking at the front in the enclosed patio area but this has since been removed with the intention of providing cycle storage in the existing detached cycle and bin store.

2.4 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Photographs
3. Drawings

3.0 SITE HISTORY

Reference	Description	Outcome
10/1105/FUL	Construction of bin and cycle store.	Permitted.
06/0527/REM	Variation of reserved matters planning permission C/02/0999/REM to include internal reconfiguration of the apartments in Block FCB03 to form 4 additional units, plus 4 additional car parking spaces in the basement car parking, and other minor alterations.	Permitted.
06/0524/REM	Variation of reserved matters permission C/02/0999/RM to include internal reconfiguration of the apartments in Blocks FCB05 and ABA03 to form 8 additional units, and other minor	Permitted.

C/02/0999	alterations. Approval of siting design and external appearance, and landscaping relating to the redevelopment of 9.45 hectares of land for residential development pursuant to condition 3 of the outline planning permission...	Permitted.
C/00/1175	Outline Application for 9.45ha of Residential Development (Class C3) comprising not more than 382 dwellings; together with 1.92ha office development (Class B1) comprising a total maximum floorspace...	Permitted.

4.0 PUBLICITY

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

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/11 3/15 4/11 4/13 5/1 5/2 8/2 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 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) The Cambridge Shopfront Design Guide (1997)
	<u>Area Guidelines</u> Brooklands Avenue Conservation Area Appraisal (2013)

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)

6.1 No objection.

Environmental Health

6.2 No objection subject to construction hours condition.

Refuse and Recycling

6.3 The proposed waste arrangements are acceptable.

Conservation Team

6.4 No objection, subject to matching materials condition and matching windows and doors condition.

Drainage Officer

6.5 No objection.

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:

3 Aberdeen Square	7 Aberdeen Square
63 Aberdeen Avenue	Lauro Management Company (75 Aberdeen Avenue)
77 Aberdeen Avenue	79 Aberdeen Avenue

7.2 The representations can be summarised as follows:

- No reference is made to the Article 4 direction applicable to the Accordia development.
- Proposed cycle storage arrangements not supported.
- Fenestration of doors and windows does not match the existing development and is not supported.
- No details of the glazing/ door supplier are provided and this should be covered by condition.
- The original architects of the Accordia Development should have been consulted by the developer.
- Poor design.
- Entrances to flats from side elevations will appear odd compared to main rear entrance for other flats.
- North side entrance onto access road is not suitable due to proximity to road and change in level.
- The use of timber to infill some sections of living room windows is not supported and should remain fully glazed.
- It is not clear whether there is an external entrance to the proposed garden patio to access the cycle storage. If there is then this will pose a security threat.
- It has not been clarified whether the balustrading to patio areas will match the balconies above.
- The patio area should be timber decked and not paving stones.
- The developer should be encouraged to increase soft planting, particularly on the north elevation.
- The lease relating to the commercial premises states that the approval of the freeholder is required before any alterations can be made to the building.
- The Lauro Management Company Limited (LML) will not grant approval to the proposed plans. The cycle storage and balustrade is not supported, further information regarding waste storage is required, and security is not safe by design.
- Notice was not originally served on the LML.
- The existing cycle/ waste/ recycling store was not built according to approved plans.

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

8.0 ASSESSMENT

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

1. Principle of development
2. Context of site, design and external spaces (and impact on conservation area)
3. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Third party representations
8. Planning Obligations (s106 Agreement)

Principle of Development

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

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

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

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

- The residential property has a floorspace of less than 110 square meters;
- The likely impact upon on-street parking would be unacceptable;
- The living accommodation provided would be unsatisfactory;
- The proposal would fail to provide for satisfactory refuse bin storage or cycle parking; and

- The location of the property or the nature of nearby land uses would not offer a satisfactory level of residential amenity.

8.5 The proposed conversion of the non-residential building into self-contained dwellings has been assessed against the criteria of policy 5/2 in turn below:

a) The residential property has a floorspace of less than 110 square meters

8.6 This requirement is not relevant to this application as the proposal does not involve the conversion of an existing residential property.

b) The likely impact upon on-street parking would be unacceptable

8.7 The proposal would transfer the existing two retail car parking spaces over to residential use and it is assumed that each apartment would have one car parking space. This level of parking provision is in accordance with the maximum parking standards of the Cambridge Local Plan (2006). The proposal would not be likely, in my opinion, to result in a significant increase in on-street parking.

c) The living accommodation provided would be unsatisfactory

8.8 The proposal would provide 1no. two-bedroom dwelling and 1no. one-bedroom dwelling in a residential area. Each dwelling would have its own outdoor terrace patio area which is accessed from the lounge. There would also be open space and outdoor play facilities within walking distance of the site. All habitable rooms would be served by acceptable visual outlooks and the proposal provides sufficient bin storage, as well as acceptable car and cycle parking.

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 5/2.

d) The proposal would fail to provide for satisfactory refuse bin storage or cycle parking

8.10 In terms of waste storage, I consider the proposal does provide satisfactory refuse storage. The applicant has explained that the existing detached refuse store would be utilised and there would be space for the necessary refuse requirements within this store. The Waste Team are supportive of the proposed refuse arrangements. The final arrangement could be subject to change as it may need to be reconfigured to accommodate the necessary space for the additional cycle parking. Therefore, a condition has been recommended to provide waste storage details prior to commencement of the change of use.

8.11 With respect to cycle parking, it is acknowledged that several objections were raised regarding the proposed arrangements as cycles would be stored within the enclosed patio area at the front of each flat. The provision of cycle storage outside the front of the site within the enclosed patio area is not ideal but I am not convinced that this arrangement would be worthy of refusal. The cycle spaces would be immediately adjacent to the front windows of the proposed flats and secured by a 1.2m high balustrade and lockable gate which would provide a degree of security and active surveillance. Notwithstanding this, the applicant has since submitted additional information to demonstrate that the three additional cycle spaces required could be accommodated within the existing cycle store which is acceptable in principle. The provision of three cycle parking spaces proposed would be in accordance with the minimum standards of the Local Plan (2006). A condition has been recommended requiring the final details of the cycle parking to be submitted to the local planning authority.

e) The location of the property or the nature of nearby land uses would not offer a satisfactory level of residential amenity.

8.12 The proposed dwellings would be located within close proximity of the open space of Aberdeen Square and the play area beyond this to the west. The site is within close proximity to bus stops along Trumpington Road and Hills Road to the west and east respectively. There are shops and services along Hills Road and the site is within cycling distance of the City Centre. The site is situated in a highly populated residential area and would offer a satisfactory level of residential amenity.

Loss of retail unit

- 8.13 The retail unit is not situated within a District or Local Centre, or the City Centre, and so there are no policies which restrict the loss of the retail unit in the Cambridge Local Plan (2006). Paragraph 70 of the NPPF (2012) does however state that planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
- 8.14 The applicant has explained in detail in their Design and Access Statement that the retail unit has only been in operation for 3 years and 7 months and has been vacant for an extended period of time. Furthermore, since the original permission on this site was granted in 2001, a number of convenience shops have opened within close proximity, such as the Co-Op at 2 Brookgate which is within a 5 minute walk of the site. In my opinion, I consider the information provided in the Design and Access Statement is sufficient to justify that the existing retail unit is not essential to meet the community's day to day needs and is not considered to be a valued service or facility.
- 8.15 In my opinion the principle of development is acceptable and is compliant with Cambridge Local Plan (2006) policies 5/1 and 5/2 and guidance within the NPPF (2012).

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

- 8.16 The proposal only involves external changes to the fenestration of the ground-floor of the building and there would be no extensions or other physical additions as a result of the proposed change of use. These changes to the fenestration are listed in paragraph 2.2 of this report.
- 8.17 The existing glazed shopfront would be replaced with full height windows and a low steel and glazed balustrade would be implemented to section off the patio areas at the front from the public. Whilst these proposed alterations provide a less engaging active frontage than the existing shop front, I still consider this proposed fenestration to be reflective of the residential context of the site and read positively in the street scene.

- 8.18 The proposed cladding of some of the existing windows, as well as the proposed additional entrances and windows, would not unbalance the property or appear out of context with the site. The proposed entrances for each of the flats would be legible and provide an attractive and secure entrance for future occupants. The proposed glazing and balustrade would mimic the glazing and balconies on the upper floors and so there will be a consistent design pattern on the front elevation of the building.
- 8.19 It is acknowledged that a concern has been raised regarding the proposed timber clad style infilling of some of the side windows and how this is out of keeping with the existing building and surrounding area. I believe the use of cladding on the sides of the building would transition in well with the existing cedar cladding which forms the existing built fabric.
- 8.20 Overall the proposed changes are considered to be relatively minor and would reflect the existing material palette and fenestration of the building and would not detract from the character and appearance of the Conservation Area. The Conservation Team is supportive of the proposed works, subject to conditions, and I agree with this advice.
- 8.21 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 4/11.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.22 As there are no significant physical additions or extensions to the existing building there are no visual enclosure or overshadowing amenity implications to assess. The views from the proposed windows would be no worse than the existing outlooks of the upper floor flats of the building and so I do not consider there will be any loss of privacy caused by the proposed development.
- 8.23 In terms of noise and disturbance, I do not anticipate there will be any residential amenity issues in this regard. The upper floors of the building are already used in a residential capacity and so the proposed use would be compatible with the existing

uses. Future occupants would not need to walk past the windows of any of the upper floor flats by virtue of the ground floor location of the proposed units.

- 8.24 There would be two dedicated car parking spaces for future occupants and so I do not consider there would be any significant pressure on car parking in the surrounding area.
- 8.25 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, 4/13 and 5/2..

Refuse Arrangements

- 8.26 Refuse arrangements has been addressed in paragraph 8.10 of this report.
- 8.27 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 5/2.

Highway Safety

- 8.28 The Highway Authority has raised no objection to the proposed works. It is acknowledged that a concern had been raised from a residential property regarding the proximity of the entrance to flat no.1 to the access road to the north. However, this door would be over 2m from the edge of this private road and would be inward opening. The adjacent road is also a private road which is only used to access the private parking to the east of the site and so is not part of the public highway or a busy thoroughfare.
- 8.29 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.30 Car parking has been addressed in paragraph 8.7 of this report.
- 8.31 Cycle parking has been addressed in paragraph 8.11 of this report.
- 8.32 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

8.33 The third party representations raised have been addressed in the below table:

Comment	Response
No reference is made to the Article 4 direction applicable to the Accordia development.	The article 4 direction does not cover this specific building.
Proposed cycle storage arrangements not supported.	See paragraph 8.11 of this report.
Fenestration of doors and windows does not match the existing development and is not supported. Poor design. Entrances to flats from side elevations will appear odd compared to main rear entrance for other flats. The use of timber to infill some sections of living room windows is not supported and should remain fully glazed.	See paragraphs 8.16 – 8.21 of this report.
No details of the glazing/ door supplier are provided and this should be covered by condition.	The applicant is not required to provide this level of detail as part of the application. A condition has been recommended requiring the windows and doors to match the existing windows and doors of the building.
The original architects of the Accordia Development should have been consulted by the developer.	This is not a requirement of the developer or the Local Planning Authority.
North side entrance onto access road is not suitable due to proximity to road and change in level.	See paragraph 8.28 of this report.
It is not clear whether there is an external entrance to the proposed garden patio to access the cycle	The amended drawings demonstrate there would be an external entrance to the patio

<p>storage. If there is then this will pose a security threat.</p>	<p>areas. The applicant has explained that this would be in the form of a secure lockable gate.</p>
<p>It has not been clarified whether the balustrading to patio areas will match the balconies above.</p>	<p>The drawings indicate that the steel and glazed balustrading would be similar to the balconies above. The matching materials condition would cover this matter.</p>
<p>The patio area should be timber decked and not paving stones.</p>	<p>This is not considered necessary in order for the scheme to be acceptable.</p>
<p>The developer should be encouraged to increase soft planting, particularly on the north elevation.</p>	<p>The implementation of soft planting is not deemed necessary and the proposal is considered to be acceptable without soft landscaping.</p>
<p>The lease relating to the commercial premises states that the approval of the freeholder is required before any alterations can be made to the building. The Lauro Management Company Limited (LML) will not grant approval to the proposed plans. The cycle storage and balustrade is not supported, further information regarding waste storage is required, and security is not safe by design.</p>	<p>This is a civil/ legal matter between the applicant and the freeholder and is not a planning consideration.</p>
<p>The existing cycle/ waste/ recycling store was not built according to approved plans.</p>	<p>This comment forms part of a separate previous application. The applicant has supplied details showing that the required waste and cycle capacity can be facilitated within the existing store.</p>
<p>Notice was not originally served on the LML.</p>	<p>This is a civil/ legal matter. The LML has been notified of the application.</p>

Planning Obligations (s106 Agreement)

- 8.34 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.

- 8.35 In line with the CIL Regulations, councils can pool no more than five S106 contributions towards the same project. The new 'pooling' restrictions were introduced from 6 April 2015 and relate to new S106 agreements. This means that all contributions now agreed by the city council must be for specific projects at particular locations, as opposed to generic infrastructure types within the city of Cambridge.
- 8.36 I have consulted the service managers who are responsible for the delivery of projects to offset the impact of development. The service managers have not identified any relevant projects to demonstrate compliance with the CIL Regulations tests in relation to informal open space/play space/indoor sports facilities/outdoor sports facilities and community facilities.

Planning Obligations Conclusion

- 8.37 It is my view that planning obligations are not required in this case as there is no evidence to demonstrate where planning obligations will contribute towards and so the pooling of contributions would not pass the tests set by the Community Infrastructure Levy Regulations 2010.

9.0 CONCLUSION

- 9.1 In conclusion, the principle of the change of use is considered acceptable and would provide a high quality living environment for future occupiers. The proposed works to the external fabric of the building would respect the character and appearance of the Conservation Area. Approval is recommended, 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. 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. No development shall commence until details of facilities for the secured parking of bicycles for use in connection with the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

Reason: To ensure appropriate provision for the secure storage of bicycles. (Cambridge Local Plan 2006 policy 8/6)

5. Prior to the commencement of the use hereby permitted, the arrangements for the disposal of waste detailed on the approved plans shall be provided and information shall be provided on the management arrangements for the receptacles to facilitate their collection from a kerbside collection point. The approved arrangements shall be retained 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 3/7, 4/13 and 5/2.

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

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2006, policy 4/11).

7. The format/pattern, dimensions, materials and colour of new windows and doors is to match those of the upper floors of the building.

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2006, policy 4/11).