

<b>Application Number</b>	11/0003/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	31st December 2010	<b>Officer</b>	Hamish Laird
<b>Target Date</b>	25th February 2011		
<b>Ward</b>	Cherry Hinton		
<b>Site</b>	1A Orchard Estate Cambridge Cambridgeshire CB1 3JW		
<b>Proposal</b>	Change of use from dwelling and annexe to two dwellings.		
<b>Applicant</b>	Mr. M. Stepney 1A Orchard Estate Cambridge Cambridgeshire CB1 3JW		

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

- 1.1 1A Orchard Estate is a single storey dwelling of red brick construction under a hipped/pitched roof. A detached single garage with a single vehicle standing space to the front lies to the north of the property with access directly onto Orchard Estate. In addition, a single on-site, vehicle parking space lies immediately to the south of the property, again with access directly onto Orchard Estate.
- 1.2 The property features an open front garden of shallow depth, and very limited depth side and rear amenity areas. These areas are screened from adjoining dwellings by 1.8m high close-boarded fencing. Bin storage is provided to the side of the dwelling.
- 1.3 The surroundings are residential with 2-storey, semi-detached dwellings lying adjacent to the south in Orchard Estate and, to the north in Coldham's Lane.

- 1.4 The site is un-allocated in the Cambridge Local Plan (2006). However, it is an established residential site, and in principle, further residential development is acceptable.
- 1.5 The site does not lie within any Conservation Area and the building is not listed nor is it a Building of Local Interest. There are no tree preservation orders affecting the site which falls outside the controlled parking zone, and Air Quality Management Area. There are no other constraints affecting the site.

## **2.0 THE PROPOSAL**

- 2.1 Planning application Ref: 07/1220/FUL allowed the addition of a single storey front and side extension which has been constructed. The property was subsequently subdivided to form a dwelling with dependent annexe. These works did not require planning permission. The annexe subsequently became functionally detached from the bungalow. This change of use required planning permission.
- 2.2 Application Ref: 10/1102/FUL sought the retrospective change of use to a self-contained annexe of the above approved extension to a self-contained annexe. This was withdrawn because the use of the dwelling with independent annexe accommodation effectively constituted the use of the property as two dwellings. The annexe is currently occupied independently.
- 2.3 The application is for the change of use of the present property from a dwelling and annexe to two dwellings. It is accompanied by the following supporting information:
  1. Design Statement
  2. Drawings comprising approved and proposed floor plans; and, elevations – these would remain unchanged as part of the proposals.

### 3.0 SITE HISTORY

Reference	Description	Outcome
07/1220/FUL	Single storey front and side extension.	Approved 06.12.2007
10/1102/FUL	Change of use to self contained annexe (retrospective).	Withdrawn

### 4.0 PUBLICITY

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

### 5.0 POLICY

#### 5.1 Central Government Advice

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Planning Policy Statement 3: Housing (2006):

Planning Policy Statement 3 (PPS3): Housing has been reissued with the following changes: the definition of previously developed land now excludes private residential gardens to prevent developers putting new houses on the brownfield sites and the specified minimum density of 30 dwellings per hectare on new housing developments has been removed. The changes are to reduce overcrowding, retain residential green areas and put planning permission powers back into the hands of local authorities. (June 2010)

Circular 11/95 – The Use of Conditions in Planning Permissions  
Circular 05/2005 - Planning Obligations:

Community Infrastructure Levy Regulations 2010 – places a statutory requirement on the local authority that where planning permission is dependent upon a planning obligation the obligation must pass the following tests:

(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.

## 5.2 **East of England Plan 2008**

ENV7: Quality in the Built Environment

## 5.3 **Cambridgeshire and Peterborough Structure Plan 2003**

Planning Obligation Related Policies

P6/1 Development-related Provision

## 5.4 **Cambridge Local Plan 2006**

- 3/1 Sustainable development
- 3/4 Responding to context
- 5/2 Conversion of large properties
- 8/6 Cycle parking
- 8/10 Off-street car parking
- 8/11 New roads

Planning Obligation Related Policies

- 3/7 Creating successful places
- 3/8 Open space and recreation provision through new development
- 5/14 Provision of community facilities through new development
- 10/1 Infrastructure improvements (*transport, public open space, recreational and community facilities, waste recycling, public realm, public art, environmental aspects*)

## 5.5 **Supplementary Planning Documents**

Cambridge City Council (May 2007) – Sustainable Design and Construction:

(For applications received on or after 16 March 2010)  
Cambridge City Council (March 2010) – Planning Obligation Strategy

## 5.6 Material Considerations

### Central Government Guidance

Letter from Secretary of State for Communities and Local Government dated 27 May 2010 that states that the coalition is committed to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Decisions on housing supply (including the provision of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.

### City Wide Guidance

(For applications received on or after 16 March 2010)  
Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010)

Cycle Parking Guide for New Residential Developments (2010)

### Area Guidelines

None of relevance

## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Engineering)

- 6.1 The Local Highway Authority replies that it has no comments to make regarding this application.
- 6.2 The above response is a summary of the comments that have been received. Full details of this consultation response can be inspected on the application file.

## 7.0 REPRESENTATIONS

- 7.1 One letter of objection has been received from the occupier of 566 Coldhams Lane.
- 7.2 The representations can be summarised as follows:
- The application is for a Change of Use from a dwelling and annexe to two dwellings – why is worded like this when this

property has not yet received approval to be a dwelling and annex. How then can such a change of use occur?

- The annexe (new dwelling) is an overdevelopment of the site and is out of keeping with the other buildings of 3 and 4-bed family homes in the area.
- The rear passageway to the 'garden' at the right of the property has been fenced off, therefore, the annexe (new property) has only the narrow passage as outdoor space resulting in disturbances from occupants of the annexe against my side fence as smokers have used this narrow area to congregate which reduces the privacy afforded to my property.
- The addition of a second driveway to serve the existing dwelling – the annexe is now served by the original driveway – by removing the front wall and then erecting a fence within the old garden to the right of the property has halved this space. This potentially pushes occupants of the garden towards the fence with No. 566 reducing privacy and possibly causing a future disturbance depending on who occupies the property.
- If the application is approved, what constraints on permitted development will be put in place? Concerns are raised regarding further additions to these properties that would normally constitute permitted development due to the restricted size of the plots.

7.3 The above representation is a summary of the comments that have been received. Full details of this representation 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. Car and cycle parking
6. Third party representations
7. Planning Obligation Strategy

## **Principle of Development**

- 8.2 The site is in residential use, and surrounding development is predominantly residential. The application property is a single storey dwelling that has previously been extended following the approval of planning application Ref: 07/1220/FUL for the addition of a single storey front and side extension. This extension was subsequently used as dependent annexed accommodation to the existing dwelling and then (unlawfully) was used as an independent annexe.
- 8.3 The overall floorspace of the building on site measures 110.25 sq. metres. This meets the requirement of Cambridge Local Plan policy 5/2a Conversion of Large Properties which requires that the conversion of single residential properties will not be permitted where the floorspace is less than 110 sq. metres. Other requirements of Policy 5/2 are:
- b) Whether the likely impact upon on-street parking would be acceptable;
  - c) Whether the living accommodation provided would be satisfactory;
  - d) Whether the proposal would fail to provide satisfactory refuse bin storage and cycle parking; and,
  - e) Whether the location of the property or nature of nearby land uses would not offer a satisfactory level of residential amenity.
- 8.4 In my opinion, the principle of the development is acceptable and in accordance with policies 3/1 and 5/2a of the Cambridge Local Plan 2006. The other issues raised by Policy 5/2 b – e, are considered in the following section.

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

- 8.5 The application property is a single storey dwelling, previously extended with the benefit of planning permission Ref: 07/1220/FUL. This application seeks no further additions to the structure of the building, and in this respect its built form is in context with adjoining external spaces and its surroundings. There is sufficient parking provision on site for both dwellings. The original element of the property is provided with an on-site vehicle standing space and access onto Orchard Estate. This is sited closest to the neighbouring dwelling at No. 1 Orchard

estate. The annexe element of the proposal benefits from the adjoining single garage with vehicle standing space to the front – again this is accessed directly from Orchard Estate. I consider these on-site parking arrangements to be acceptable and there would be no adverse impact on existing on-street parking arrangements, and meet the requirements of Local Plan Policy 5/2 b.

- 8.6 The application proposes the change of use of the existing annexe to a separate dwelling. It offers one bedroom a kitchen/living room; and a shower-room with W/C and wash-hand basin. The total floor area of the unit measures approximately 45 sq. metres. A garage and standing space also forms part of the proposed development. The rear garden amenity area measures 1.9m deep. I consider that in terms of its layout and floorspace the living accommodation is acceptable. A garage and driveway forms part of the proposal too. Whilst the rear garden depth is limited, this is no more so than for the existing bungalow on the site, and I consider that overall in the context of Local Plan Policy 5/2c, the development is acceptable.
- 8.7 The proposal indicates the provision of a single garage for the new dwelling (annexe), and a secure wooden shed in the rear garden area of the original dwelling. The rear garden area of the original dwelling is fenced off with a secure gated access. I consider that both the existing and new dwellings have sufficient accommodation and space for secure cycle storage and refuse bin storage facilities. I consider that overall in the context of Local Plan Policy 5/2d, the development is acceptable.
- 8.8 Local Plan Policy 5/2d considers whether the location of the property or nature of nearby land uses would offer a satisfactory level of residential amenity. The application property is located in a residential area, surrounded by residential properties. The original bungalow has been previously extended with the benefit of planning permission. The application is to change the use of the bungalow as extended to form two dwellings. No new building is proposed. I consider that whilst there will be an increase in activity around the plot resulting from the subdivision of the bungalow and annexe extension from one to two dwellings, this is not likely to prove harmful to the amenities of occupants of adjoining dwellings owing to the small size of the



resultant dwellings and the limited scope for high occupancy that this affords. I consider that the development is acceptable in the context of Local Plan Policy 5/2e.

- 8.9 In my opinion the proposal is compliant with Cambridge Local Plan 2006 policy 3/4, and all the elements of Policy 5/2.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.10 The proposal is for a change of use of the present dwelling and extension (that is presently unlawfully used as separate living accommodation), to two dwellings. In respect of any overlooking or loss of privacy and amenity to occupants of neighbouring dwellings, such issues will have been examined at the Ref: 07/1220/FUL application stage. At that stage it was considered by the City Council that the resultant built form of the dwelling and extension was acceptable in this context. The questions that now arise are whether the subdivision of the original dwelling as extended, and the occupancy of this planning unit by two separate households would have an unacceptably adverse impact on the amenities enjoyed by occupiers of adjoining dwellings; and, between occupants of the two resultant dwellings on the site themselves.
- 8.11 I have noted the neighbour at No. 566 Coldham's Lane's concerns in respect of the intensification of the use; additional traffic movements; possible noise and disturbance; and the potential for extensions using 'Permitted Development' rights, and the consequences for neighbours amenities that may arise from, for example, the introduction of a dormer window or a loft conversion and the installation of rooflights, that may arise.
- 8.12 I consider that there would be an intensification of the use of the site as it would now be occupied by two households rather than one. This could double the present level of traffic movements, and there is likely to be more movement around the outside of the property within its boundaries. I do not consider that such changes will materially alter the character of the area or harm the amenities of occupants of adjoining residential properties. No changes to the external appearance of the building are proposed, and if permission for the change of use is granted, permitted development rights can be removed to allow the City

Council to retain control over any extensions or alterations that could potentially cause harm to neighbours amenities.

- 8.13 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

- 8.14 The subdivision of the dwelling into two will leave the separate curtilages with little in the way of amenity space, particularly to the sides and rear of the properties. However, this is similar to other developments where a new dwelling has been erected within the curtilage of a larger dwelling and garden. The application site was once land contained within the rear garden of No. 566 Coldhams Lane. The front garden area is relatively deep and provides a reasonable setting for the property in the street-scene. Each dwelling will have off-street parking and the new dwelling will be served by a single garage. This would allow for secure bin and cycle storage. The former original dwelling has a secure rear garden area with a lockable shed in it.
- 8.15 The sub-division of the dwelling and extension into two dwellings would be subject to the Building regulations and these will address fire separation and sound insulation between buildings.
- 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 (or 3/14).

#### **Highway Safety**

- 8.17 There are no issues regarding this proposal relating to highway safety. The Local Highway Authority has made no comment on the application.
- 8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

## **Car and Cycle Parking**

- 8.19 There is sufficient secure cycle parking available on site to serve both properties.
- 8.20 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

## **Third Party Representations**

- 8.21 The objections raised by the occupant of No. 566 Coldham's Lane are noted. The description of the development - Change of Use from dwelling and annex to two dwellings – is acceptable as it accurately describes the existing and proposed elements of the development. The bungalow was lawfully extended and the extension was subsequently, lawfully occupied as an annexe. The occupation of the annexe as a separate unit of accommodation is unlawful, and the application seeks to remedy this breach of planning control. However, this does not alter the description of the development, which I consider is accurately described and there is no need to change the wording.
- 8.22 All other issues raised have been covered in the Residential Amenity section of this report in paragraphs 8.14 to 8.17. I consider that the proposal would not result in any additional harm to the amenities of the occupier of No. 566 Coldhams Lane.

## **Planning Obligation Strategy**

- 8.23 The Community Infrastructure Levy Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. If the planning obligation does not pass the tests then it is unlawful. The tests are that the planning obligation must be:
- (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. The Planning Obligation Strategy (2010) provides a framework for expenditure of financial contributions collected through planning obligations. The applicants have indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Strategy. The proposed development triggers the requirement for the following community infrastructure:

### Open Space

8.24 The Planning Obligation Strategy requires that all new residential developments contribute to the provision or improvement of public open space, either through provision on site as part of the development or through a financial contribution for use across the city. The proposed development requires a contribution to be made towards open space, comprising outdoor sports facilities, indoor sports facilities, informal open space and provision for children and teenagers. The total contribution sought has been calculated as follows.

8.25 The application proposes the change of use of a three-bedroom single storey dwelling, to a two-bedroom single storey dwelling, and one-bedroom single storey dwelling. No residential units would be removed, so the net total of additional residential units is one. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom flats are assumed to accommodate 1.5 people. Contributions towards children's play space are not required from one-bedroom units. The totals required for the new buildings are calculated as follows:

<b>Outdoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£ per unit	Number of such units	Total £
studio	1	238	238		
1 bed	1.5	238	357	1	357.00
2-bed	2	238	476		
3-bed	3	238	714		
4-bed	4	238	952		
<b>Total</b>					<b>357.00</b>

<b>Indoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	269	269		
1 bed	1.5	269	403.50	1	403.50
2-bed	2	269	538		
3-bed	3	269	807		
4-bed	4	269	1076		
<b>Total</b>					<b>403.50</b>

<b>Informal open space</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	242	242		
1 bed	1.5	242	363	1	363.00
2-bed	2	242	484		
3-bed	3	242	726		
4-bed	4	242	968		
<b>Total</b>					<b>363.00</b>

<b>Provision for children and teenagers</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	0	0		0
1 bed	1.5	0	0	1	0
2-bed	2	316	632		
3-bed	3	316	948		
4-bed	4	316	1264		
<b>Total</b>					<b>0.00</b>

8.26 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 3/8 and 10/1.

## Community Development

- 8.27 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to community development facilities, programmes and projects. This contribution is £1256 for each unit of one or two bedrooms and £1882 for each larger unit. The total contribution sought has been calculated as follows:

<b>Community facilities</b>			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256		
2-bed	1256	1	1,256.00
3-bed	1882		
4-bed	1882		
<b>Total</b>			<b>1,256.00</b>

- 8.28 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 5/14 and 10/1.

## Waste

- 8.29 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the provision of household waste and recycling receptacles on a per dwelling basis. As the type of waste and recycling containers provided by the City Council for houses are different from those for flats, this contribution is £75 for each house and £150 for each flat. The total contribution sought has been calculated as follows:

<b>Waste and recycling containers</b>			
Type of unit	£per unit	Number of such units	Total £
House	75	1	75.00
Flat	150		
<b>Total</b>			<b>75.00</b>

8.30 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1.

### Education

8.31 Upon adoption of the Planning Obligation Strategy (2010) the Council resolved that the Education section in the 2004 Planning Obligations Strategy continues to apply until it is replaced by a revised section that will form part of the Planning Obligations Strategy 2010. It forms an appendix to the Planning Obligations Strategy (2010) and is a formal part of that document. Commuted payments are required towards education facilities where four or more additional residential units are created and where it has been established that there is insufficient capacity to meet demands for educational facilities.

8.32 In this case, one additional residential unit is created and the County Council have confirmed that there is insufficient capacity to meet demand for pre-school education/primary education/secondary education/lifelong learning (*delete as applicable*). Contributions are not required for pre-school education, primary education and secondary education for one-bedroom units. Contributions are therefore required on the following basis.

<b>Life-long learning</b>					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		160	1	160.00
2+- beds	2		160		
<b>Total</b>					<b>160.00</b>

8.33 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2004), I am satisfied that the proposal accords with

Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 5/14 and 10/1.

### Conclusion

8.34 It is my view that the planning obligation is necessary, directly related to the development and fairly and reasonably in scale and kind to the development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010.

## **9.0 CONCLUSION**

I consider that the proposed development to change the use of the present dwelling and annexe to two dwellings is acceptable

## **10.0 RECOMMENDATION**

1. **APPROVE** subject to the following conditions:

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions, or additions or garages shall be erected other than those expressly authorised by this permission.

Reason: To protect the amenity of adjoining properties, and to prevent overdevelopment of the site. (Cambridge Local Plan 2006 policies 3/4 and 3/14)

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or with any order revoking and re-enacting that Order with or without modifications) no windows or dormer windows shall be constructed other than with the prior formal permission of the local planning authority.

Reason: To protect the amenity of adjoining properties. (Cambridge Local Plan 2006 policies 3/4 and 3/14)



## Reasons for Approval

1. This development has been approved subject to conditions and the prior completion of a section 106 planning obligation (/a unilateral undertaking), because subject to those requirements it is considered to conform to the Development Plan as a whole, particularly the following policies:

East of England plan 2008: ENV7

Cambridgeshire and Peterborough Structure Plan 2003: P6/1

Cambridge Local Plan (2006):

3/1,3/4,3/7,3/8,5/2,5/14,8/6,8/10,8/11 and 10/1

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

These reasons for approval can be a summary of the reasons for grant of planning permission only. For further details on the decision please see the officer report online at [www.cambridge.gov.uk/planningpublicaccess](http://www.cambridge.gov.uk/planningpublicaccess) or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.

- 2. Unless prior agreement has been obtained from the Head of Development Services, and the Chair and Spokesperson of this Committee to extend the period for completion of the Planning Obligation required in connection with this development, if the Obligation has not been completed by 31st March 2011 it is recommended that the application be refused for the following reason(s).**

The proposed development does not make appropriate provision for public open space, community development facilities and life-long learning facilities in accordance with the following policies, standards and proposals 3/7, 3/8, 5/14 and 10/1 of the Cambridge Local Plan 2006; and policy P6/1 of the Cambridgeshire and Peterborough Structure Plan 2003; and as detailed in the Planning Obligation Strategy 2004.

## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected on the City Council website at:  
[www.cambridge.gov.uk/planningpublicaccess](http://www.cambridge.gov.uk/planningpublicaccess)  
or by visiting the Customer Service Centre at Mandela House.