

<b>Application Number</b>	17/1252/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	3rd August 2017	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	28th September 2017		
<b>Ward</b>	Cherry Hinton		
<b>Site</b>	12 Orchard Estate Cambridge CB1 3JP		
<b>Proposal</b>	Ground floor rear and side extension and change of use to form three flats.		
<b>Applicant</b>	Mr A De Simone 436 Milton Road Cambridge CB4 1ST		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed works would respect the amenities of neighbouring properties.</li> <li>- The proposal would provide an acceptable living environment for its future occupants.</li> <li>- The proposed development would not increase on-street parking in the area to such an extent as to harm the residential amenity of the area.</li> </ul>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The application site is comprised of a semi-detached property situated in the west side of Orchard Estate. To the north of the site is Coldhams Lane, to the south-east is Cherry Hinton High Street and to the south-west is the cycle route connecting Cherry Hinton to Romsey. There is on-site parking at the front of the site and a large garden to the rear. The surrounding area is residential in character and is formed predominantly of similar-sized semi-detached properties.

1.2 There are no site constraints.

## **2.0 THE PROPOSAL**

- 2.1 The proposal, as amended, seeks planning permission for a ground-floor rear and side extension to facilitate a change of use of the existing property into three flats.
- 2.2 The proposed extension would extend out to the rear by approximately 6.7m at single-storey scale with a flat roof measuring approximately 2.8m to the ridge. The proposal originally sought permission for a wider side extension element but this has since been amended following concerns raised regarding the narrow width of the side access that would have remained for future occupiers.
- 2.3 Flat no.1 would be a ground-floor flat which would occupy the majority of the ground-floor footprint of the original building. It would have its own entrance from the side and would have its own small courtyard, as well as access to the large communal garden.
- 2.4 Flat no.2 would also be situated on the ground-floor and would occupy the proposed rear and side extension. It would have its own private garden and is also accessed from the side passageway.
- 2.5 Flat no.3 would occupy the original first-floor of the building and would use the front door as its main entrance. It would have access to a communal garden at the end of the site.
- 2.6 All of the proposed flats would be one-bedroom in size. Bin and cycle storage would be situated adjacent to the side of the building. The existing one car parking space would be retained at the front of the site.
- 2.7 The application is accompanied by the following information:
  1. Drawings
  2. Design and Access Statement

### 3.0 SITE HISTORY

Reference	Description	Outcome
C/73/0277	Erection of single-storey extension to existing dwelling house	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 Local Plan 2006	3/1 3/4 3/7 3/11 3/14 4/13 5/1 5/2 8/2 8/4 8/6 8/10 10/1

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 (Annex A)
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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)

#### 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 The development is 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. Conditions regarding unbound material, erection of gates and the manoeuvring area are proposed.

### **Environmental Health**

6.2 No objection subject to construction hours and piling conditions.

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

6.3 No comment received.

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

6.4 No objection subject to surface water drainage condition.

6.5 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:

1 Orchard Estate	2 Orchard Estate
3 Orchard Estate	7 Orchard Estate
9 Orchard Estate	10 Orchard Estate
11 Orchard Estate	14 Orchard Estate
15 Orchard Estate	18 Orchard Estate
20 Orchard Estate	24 Orchard Estate
32 Orchard Estate	36 Orchard Estate
37 Orchard Estate	40 Orchard Estate
Cam Cycle	

7.2 The representations can be summarised as follows:

- The loss of a family home is not supported and is not in keeping with the street.
- Cambridge needs more family homes and not flats.
- The proposal would set a precedent for more flat conversions in the area.

- Increase in on-street parking demand/ parking pressure.
- The proposal could introduce six cars into the area.
- Noise and disturbance from noise travelling through walls.
- Noise and disturbance for future occupants from reception rooms of no.14 adjacent.
- Additional bins that are taken out on collection days will worsen parking problems and hamper pedestrian movement.
- There is insufficient information regarding cycle parking
- Highway safety concerns due to increase in on-street parking.
- Damage to grass verges from on-street car parking.

7.3 Councillor Dryden has commented on this application, citing increase in traffic movements/ parking and the development being out of character.

7.4 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. Drainage
8. Third party representations
9. Planning Obligations (s106 Agreement)

### **Principle of Development**

8.2 The provision of extra housing within the city is supported in the Cambridge Local Plan (2006). As policy 5/1 points out, proposals for housing development on windfall sites will be permitted, subject to the existing land use and compatibility with adjoining uses.

8.3 The principle of developing the site for residential purposes is considered acceptable and conforms to the provisions set out in the development plan. However, while residential development is broadly supported, it must comply with considerations such as impact on the appearance of the area and impact on the amenity of neighbouring properties. These, and other relevant issues, are assessed below.

8.4 Policy 5/2 of the Cambridge Local Plan (2006) states that the conversion of non-residential buildings into self-contained dwellings will be permitted except where:

- A) The residential property has a floorspace of less than 110m<sup>2</sup>;
- B) The likely impact upon on-street parking would be unacceptable;
- C) The living accommodation provided would be unsatisfactory;
- D) The proposal would fail to provide for satisfactory refuse bin storage or cycle parking; and
- E) The location of the property or the nature of nearby land uses would not offer a satisfactory level of residential amenity.

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

8.5 The footprint of the residential property as a result of the proposed extensions would be over 120m<sup>2</sup> and this criterion would be met.

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

8.6 It is acknowledged that the vast majority of the representations cite the pressure on on-street car parking as one of the main concerns with the proposed development.

8.7 There is one car parking space for the existing three-bedroom property. The proposal would retain this car parking space for use by the future occupants, which for residential amenity reasons, I would recommend a condition for use by flat no.1 of the proposed development only.

8.8 The Orchard Estate is a cul-de-sac and from my visit of the site it was noted that there were some examples of cars parked on

grass verges informally on the street. Notwithstanding this, it was also observed that the vast majority of properties in this cul-de-sac have off-street car parking to provide at least one private car parking space per dwelling. In addition, my opinion is that the presence of on-street car parking is not at a significant level at present.

- 8.9 The proposed development would provide a dedicated cycle storage area for cycle parking and the site would be around 50m from the cycle route that connects Cherry Hinton to Romsey and provides a good cycle link into the City Centre. There are bus stops on Coldhams Lane heading both into and out of the City Centre which are within five minutes walking distance of the site. The Cherry Hinton Local Centre is within 650m of the site, providing local shops and facilities, and can be accessed in less than 10 minutes on foot. In light of the sustainable location of the site I do not consider the proposed development is dependent on private car as the sole means of travel.
- 8.10 In my opinion, the pressure on on-street car parking caused by the proposed development would be relatively minor in respect of the sustainable location and one-bedroom size of the proposed flats. The majority of other properties along the Orchard Estate have their own private car parking spaces and are not reliant on the existing on-street parking as their only means of car parking. Overall, I do not consider the proposal would exacerbate on-street car parking to such an extent as to harm the amenity of the surrounding residential properties.

C) The living accommodation provided would be unsatisfactory

- 8.11 The habitable rooms of the proposed flats would all have acceptable outlooks. I have recommended a condition that the car parking space is solely used by the occupier of flat no.1 as otherwise car movements outside the living room window of this flat could be problematic. The future occupants of flat no.2 would have their own private garden and the future occupants of flat no.1 would have a small courtyard and access to the large communal garden to the rear which would be shared with flat no.3. As explained in paragraph 8.9 of this report, the site is in a sustainable location with good cycle and public transport links to the wider area and there are local shops and services in



Cherry Hinton within walking distance. The Cherry Hinton Recreation Ground is also within walking distance of the site.

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

8.12 A bin storage area is shown at the side of the property with a straightforward means of access onto the Orchard Estate on collection days. Whilst this is acceptable in principle, further details of the bin capacity for each of the proposed flats is required which I am content can be controlled by way of condition in the event of approval. The application form does not specify the number of cycle parking spaces that would be provided but three cycle stores are shown on the site plan in the communal rear garden area. There appears adequate room to accommodate the necessary number of cycle spaces and these would presumably be within enclosed sheds or a similar form of enclosed structure. Similar to the refuse arrangements, I am of the opinion that this can be dealt with through a planning condition in the event of approval.

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

8.13 The site is situated in a residential area and so I do not consider the nearby land uses or site itself would result in an unsatisfactory level of residential amenity for future occupiers of the proposed dwelling.

8.14 In my opinion, the principle of residential development in this location is acceptable and in accordance with policies 5/1 and 5/2 of the Local Plan (2006).

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

8.15 The proposed side and rear extension would have a simple and modest design that would not in my view appear out of character with the area. It would read as a subservient addition to the original building and would fit in successfully within its context. The existing residential appearance of the front of the property would be retained and the sub-division of the property would not have any material impact on the appearance of the street scene in my view. A matching materials condition for the extension has been recommended.

8.16 It is acknowledged that concerns have been raised by third parties due to the fact that the Orchard Estate is formed of family dwelling houses and that the introduction of single occupancy flats would be out of character with this context. Whilst I am not aware of other examples of single occupancy accommodation present in the local area, I do not consider that the proposed use of the site for flats would harm the character of the area. The Council had previously used this argument as a reason for refusal for a similar type of development at no.6 Greville Road (15/1076/FUL) which sought permission for five self-contained units in a street which was dominated by family dwellings. In the appeal decision (APP/Q0505/W/15/3135167), the planning inspector did not agree with this reasoning, stating that:

*“This would still be a residential use which, in itself, would not significantly alter the character of the street. Although a family house would be lost the proposals would provide additional small units of residential accommodation which would accord with those principles of the Framework that seek to significantly boost the supply of housing and the types of available accommodation.”*

8.17 In light of this recent appeal decision, I do not consider that the introduction of flats into the area would have a harmful impact on the character of the area. The use of the site would remain residential and the appearance of the building would remain legible as a residential property similar to that of the existing building.

8.18 The proposed landscaping works to sub-divide the garden would be relatively minimal interventions into garden and it is anticipated a standard timber fence and gate would separate the private garden of flat no.2 from the main communal garden. A boundary treatment condition has been recommended to control this.

8.19 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/14.

## **Residential Amenity**

Impact on amenity of neighbouring occupiers

### Impact of proposed extension

- 8.20 The proposed extension would be single-storey and would have a low flat roof measuring approximately 2.8m to the ridge. It would be set off the boundary of both neighbours and there would be a comfortable separation distance from the main windows and gardens of both of the immediate neighbours. In my opinion, the proposed extension would not introduce any harmful loss of light or visual enclosure to either of the neighbours due to the low scale of the proposed extension and the fact that it would be set off the two adjacent boundaries.
- 8.21 The proposal would not introduce any new forms of overlooking that would affect the privacy of neighbours any worse than that of the existing views from the property. I have recommended a condition that the first-floor side (north) facing kitchen window is obscure glazed to prevent any direct views across to no.10 Orchard Estate.

### Noise and disturbance

- 8.22 Flat nos.1 and 2 on the ground-floor would be accessed from the side (north) passage of the site. The existing property is three-bedroom in size and I do not anticipate the movements up and down the side access would be significantly worse than that of present. The windows of this neighbour are set a comfortable separation distance from the passage and there is a low timber fence obscuring views towards this neighbour's side windows. As these would be one-bedroom units, I am of the opinion that the movements of people when accessing the garden and cycle store, as well as day-to-day internal use, would not be too dissimilar to that of the existing property.
- 8.23 In my opinion, subject to condition, 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

- 8.24 This has been addressed in paragraph 8.11 of this report.
- 8.25 In my opinion the proposal provides an acceptable 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, 3/14 and 5/2.

### **Refuse Arrangements**

- 8.26 This has been addressed in paragraph 8.12 of this report.
- 8.27 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policy 5/2.

### **Highway Safety**

- 8.28 The Highway Authority has raised no objection to the proposal on the grounds of highway safety and I agree with this advice. I have not recommended the conditions suggested by the Highway Authority as the existing access arrangements would not be affected by the proposed development.
- 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 paragraphs 8.6 – 8.10 of this report. A car club informative has been recommended.
- 8.31 Cycle parking has been addressed in paragraph 8.12 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.

### **Drainage**

- 8.33 The Drainage Officer has raised no objection to the proposed works subject to a surface water drainage condition.

8.34 In my opinion, subject to condition, the proposal is compliant with National Planning Policy Framework (2012) paragraph 103.

### **Third Party Representations**

8.35 Some of the third party representations have been addressed in the main body of this report. The outstanding representations have been addressed below:

<u>Comment</u>	<u>Response</u>
The proposal would set a precedent for more flat conversions in the area.	In terms of precedent, each planning application is considered on its own merits.
Noise and disturbance from noise travelling through walls. Noise and disturbance for future occupants from reception rooms of no.14 adjacent.	The internal noise quality of walls is a building control matter. If a future occupier of the flat is causing excessive noise then this should be dealt with through the statutory nuisance complaints procedure with the City Council.
Additional bins that are taken out on collection days will worsen parking problems and hamper pedestrian movement.	I do not anticipate the additional bins being placed on the pavement would be significantly different to that of present.
There is insufficient information regarding cycle parking	I am of the opinion that there is adequate space on the site to accommodate the required number of cycle parking spaces and that this can be dealt with through a condition.
Highway safety concerns due to increase in on-street parking.	The Highway Authority has raised no objection to the proposed works. Illegal parking is a matter for the Highway Authority to monitor and enforce against.
Damage to grass verges from on-street car parking.	This is a matter for the land owner of the grass verges, in this case the Highway Authority, and is outside the application site boundary.

## **Planning Obligations (s106 Agreement)**

- 8.36 National Planning Practice Guidance Paragraph 031 ID: 23b-031-20160519 sets out specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which gives legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and should be taken into account.
- 8.37 The guidance states that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. The proposal represents a small scale development and as such no tariff style planning obligation is considered necessary.

## **9.0 CONCLUSION**

- 9.1 The proposed development would not adversely impact on the amenity of neighbours and would provide an acceptable living environment for future occupants. The proposal would not result in a significant increase in on-street car parking due to the one-bedroom occupancy of the units coupled with the sustainable location of the site. The proposal would respect the character and appearance of the area.

## **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. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved details.

Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2006 policy 4/13)

5. The first-floor side window on the north elevation serving the kitchen to flat no.3, as shown on drawing no.10, shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to occupation of flat no.3 and 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 3/14).

6. 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)

7. The proposed private and communal amenity spaces for the flats shall be laid out in accordance with drawing no.5A prior to the occupation of the flats and shall thereafter be retained in the configuration as approved for the benefit of future occupants of the scheme unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure an appropriate standard of residential amenity for future occupants (Cambridge Local Plan 2006 policies 3/4, 3/7, 3/11, 3/14, 5/1 and 5/2).

8. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied and retained thereafter unless any variation is agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate boundary treatment is implemented. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 5/2)

9. No development shall commence until details of facilities for the covered, secure 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 and in the interests of visual amenity (Cambridge Local Plan 2006 policies 3/7, 5/2 and 8/6).



10. No development shall commence until details of facilities for the storage of bins 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 storage of bins and in the interests of visual amenity (Cambridge Local Plan 2006 policies 3/7, 4/13 and 5/2).

11. The car parking space immediately adjacent to the living room window of flat no.3 of the development hereby permitted shall be used solely by the future occupants of flat no.3. The car parking space shall be retained for use by the future occupants of flat no.3 unless otherwise agreed in writing by the local planning authority.

Reason: To provide a high quality living environment for future occupiers (Cambridge Local Plan policies 3/4 and 5/2).

12. No development hereby permitted shall be commenced until surface water drainage works have been submitted to and approved in writing by the local planning authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The National Planning Policy Framework and associated Guidance, and the results of the assessment provided to the local planning authority. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + 40% an allowance for climate change. The submitted details shall:
  - a. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
  - b. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To minimise flood risk (Paragraph 103 of the National Planning Policy Framework (2012)).

**INFORMATIVE:** The applicant is encouraged to ensure all future tenants/occupiers of the flats are aware of the existing local car club service and location of the nearest space.