

Application Number	17/1909/FUL	Agenda Item	
Date Received	9th November 2017	Officer	Michael Hammond
Target Date	4th January 2018		
Ward	Petersfield		
Site	54A Mill Road Cambridge		
Proposal	Retrospective first floor rear extension to create four self-contained studio flats and proposed recessing of part of first floor rear wall and relocation of ducts.		
Applicant	Mr Mehmet Degirmenci 54A, Mill Road		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The first-floor extension respects the amenities of adjoining properties. <input type="checkbox"/> The proposed relocated ductwork would not harm nearby properties in terms of noise and disturbance. <input type="checkbox"/> The first-floor extension and proposed ductwork would preserve the character and appearance of the conservation area.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is located on the southern side of Mill Road and opposite the junction for Emery Street. To the rear of the site are the properties in Mill Street. No.54 is a two storey property with bay windows at first floor. The ground floor is in commercial use (restaurant/takeaway and hairdresser) either side of an entrance to the first floor. The first-floor is currently unoccupied whilst internal works are taking place. The

surrounding area consists of a variety of commercial and residential uses with buildings typically being two-storeys in height.

- 1.2 The site is located within the Mill Road Conservation Area, Local Centre and Controlled Parking Zone. The Mill Road Conservation Area Appraisal defines the building as a 'positive unlisted building', along with those immediately to its east.

2.0 THE PROPOSAL

- 2.1 Retrospective permission is sought for a first-floor rear extension to create four self-contained studio flats and the proposed recessing of part of the first-floor rear wall and relocation of ductwork on the rear elevation.
- 2.2 Planning permission (15/2237/FUL) was granted for four flats within a first-floor rear extension on 21st September 2016. When being built, it was established that the depth of the first-floor extension was noticeably greater than that which was approved. Consequently, retrospective permission is now sought to regularise these works.
- 2.3 The side (west) wall of the first-floor extension has been recessed by approximately 1m compared to what was approved. The pitch of the roof and design mirrors that of the approved permission (15/2237/FUL) albeit with a greater plan depth. The size of the proposed four flats has been increased as a result of these works. The internal floor areas of each unit are set out in the table below:

Studio no.	Approved Internal floor area	Proposed Internal floor area
1	23	24.5m ²
2	23.5m ²	29m ²
3	18.5	36.5m ²
4	22.5	21.5m ²

- 2.4 Permission is sought to relocate the ductwork on the rear elevation compared to what was approved previously.
- 2.5 A breakdown of the differences between the approved permission and this application is set out below:

	As Approved	As Built (17/1909/FUL)	Difference
First-Floor Extension Depth	4.7m	9.3m	+ 4.6m

3.0 SITE HISTORY

Reference	Description	Outcome
15/2237/FUL	First floor rear extension to create 4 self-contained studios and single storey rear extension and internal works to accommodate new staircase. Extension of existing external ventilation duct to be above raised roof height.	Permitted. Delegated Decision.
08/0105/FUL	New door opening to shop front window.	Permitted.

4.0 PUBLICITY

4.1	Advertisement:	Yes
	Adjoining Owners:	Yes
	Site Notice Displayed:	Yes

5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4 3/7 3/14 4/11 4/13 5/1 5/2 8/2 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 (Annex A)
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)
	<u>Area Guidelines</u> Mill Road Area Conservation Area Appraisal (2011)

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited

objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 No objection.

Environmental Health

6.2 No objection subject to the following conditions:

- Construction hours
- Collection hours during construction
- Odour filtration
- Acoustic assessment compliance
- Window noise insulation
- Odour informative
- Housing health and safety informative

Urban Design and Conservation Team

6.3 No objection.

6.4 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 owner/occupier of the following address has made a representation:

- 13 Mill Street

7.2 The representation can be summarised as follows:

- Overly dominant extension;
- Noise and disturbance experienced in garden from customers and staff at rear of restaurant;
- Noise and disturbance for future occupants of flats from restaurant below;
- Potential noise disturbance from proposed relocated extractor fans; and
- The concept of Conservation Area is essentially meaningless when it comes to planning and development in this part of the Mill Road area.

7.3 The above representation is a summary of the comment that has been received. Full details of the representation can be inspected on the application file.

8.0 ASSESSMENT

8.1 From the consultation responses and representation 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. Third party representations
5. 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 single residential properties into self-contained dwellings will be permitted except where:

A) The residential property has a floorspace of less than 110m²;

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 upper-floor as a result of the as built extension is 130m² and this criterion would be met.

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

8.6 No car parking is provided for future occupants of the four units. The previous four bedroom house in multiple occupation (HMO) use of the site did not include any dedicated car parking.

8.7 The City Council has maximum car parking standards. The site is situated in a highly sustainable location as it is situated within the Mill Road (West) District Centre and is within walking and cycling distance of the City Centre to the west. There are also frequent bus routes along Mill Road which could be accessed by future occupants. It is also relevant to note that there are many other residential properties above commercial premises along Mill Road which also do not benefit from any dedicated car parking.

8.8 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 small size of the flats. The site is in a sustainable location and well connected to facilities and services in the wider area without being reliant on private car as the main means of transport. The site was last used as a four-

bedroom HMO and I do not consider the change of use to four studio flats would exacerbate on-street parking compared to this former use. 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

8.9 The habitable rooms of the flats would all have acceptable outlooks. The As explained in paragraph 8.7 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 on Mill Road within walking distance.

8.10 The units all fall below the space standards (37m² for studios) within the emerging local plan (2014) but these standards have not been formally adopted. In addition, the size of the studios is reflective of other developments in the local area, such as the flats on the corner of Campbell Street and Mill Road (16/1780/S73) that are in the process of being built. No outdoor amenity space is proposed under this application but the site is in a dense urban context where many properties do not benefit from outdoor amenity space. Parkers Piece would be within 400m of the application site if future occupants desired to use outdoor amenity space, albeit not private. The proposed studios would be single-occupancy and would not be occupied by families which typically have a greater need for private outdoor amenity space. The majority of the flats are larger than as previously approved.

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

8.11 A cycle and bin store area is shown at ground-floor level within the building which shows space for three cycle parking spaces and three standard sized bins. This quantity of provision and layout of this space appears tight for the level of development proposed. I have asked the Refuse Team to comment on the proposals and this will be included on the amendment sheet if received.

8.12 The previous recommendation to approve application 15/2237/FUL was an on balance decision and that scheme did not have any bin provision. Notwithstanding the compact nature

of the space available for bin and cycle provision, in light of the material consideration that is the previous permission, I do not consider it would be reasonable to refuse the application on this basis. The provision of some form of cycle and bin storage, albeit of low quality and quantity, is an improvement compared to the previous permission.

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 an area where there are residential properties above commercial premises. 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, on balance, and subject to condition, 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 (and impact on heritage assets)

8.15 The first-floor extension, as built, is not highly prominent in the street scene of Mill Road or Covent Garden to the west. The extension has an asymmetric pitched roof which matches the form of that of the approved development. The extension meets the rear two-storey building line of no.56A adjacent and the brick finish and slate pitched roof is characteristic of this part of the Mill Road Conservation Area. The recessing of the western side-return element would not have a material impact on the appearance of the scheme when compared to the previous permission in my view.

8.16 The proposed ductwork on the rear elevation would be similar in appearance and height to that which was approved under the previous permission (15/2237/FUL). The only difference is that it is being relocated further to the rear as a result of the building footprint being retrospectively extended. The Conservation Team has raised no objection to the proposed ductwork and given its limited public visibility I consider it would not have a harmful impact on the character and appearance of the conservation area.

- 8.17 Overall, I consider the retrospective extension has preserved the character and appearance of the conservation area. The proposed changes to the ductwork and recessing of the first-floor side-return would not have a significant impact on the character and appearance of the area in my opinion.
- 8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/14 and 4/11.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.19 The extension, as built, projects level with the rear building line of no.56A Mill Road immediately to the east. The proposed ductwork would be positioned away from this neighbouring boundary. In my opinion, the works as built, and those proposed, have no harmful impact on this neighbour.
- 8.20 There is a first-floor flat above no.54 Mill Road to the west with a single-aspect bedroom window on the rear elevation. This window is however positioned centrally on the rear elevation of no.54, as opposed to being positioned close to the application site boundary. The additional mass that has been built is largely concealed behind the two-storey side-return element, as built, and this side-return aspect would also be moved back marginally under the proposed works. The pitched roof style and separation from this window is considered sufficient to ensure the amenity of this adjacent occupier would not be visually enclosed by the works. The ductwork would be situated on the rear elevation, away from this adjacent window. Overall, I consider the retrospective extension has not harmed the amenity of this neighbour, and the proposed works would not have a detrimental impact on their amenity.
- 8.21 It is acknowledged that concerns have been raised from no.13 Mill Street which backs onto the application site from the south-west. There is over 18m between the first-floor rear windows of the flats and this neighbour's windows and I consider this separation distance to be acceptable from an overlooking perspective. There would be a reasonable distance from the rear garden of this neighbour and the levels of overlooking would not be worse than that of the flats adjacent at no.56A in

my opinion. Given the separation distance from this neighbour, I consider the extension is not visually overbearing.

8.22 Concerns have been raised regarding noise and disturbance from the existing restaurant below (no.54). However, this does not form part of this application and I do not consider it reasonable to assess the impact of no.54 as a result. An acoustic report has been submitted with the application, identical to the previous permission, and the Environmental Health Team is satisfied that the ductwork would not give rise to unacceptable levels of noise disturbance being experienced at nearby residential properties. I have recommended a compliance condition to ensure that the ductwork is built as per the specifications in this acoustic report. Conditions relating to odour from the duct work have been recommended by the Environmental Health Team also.

8.23 In terms of noise experienced in the flats proposed, the Environmental Health Team is satisfied that the levels of noise experienced in these units would be acceptable. This is subject to a window noise insulation condition being agreed prior to occupation.

8.24 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, 3/14 and 4/13.

Third Party Representations

8.25 The majority of the third party concerns have been addressed in the main body of this report.

8.26 The comment regarding the purpose of conservation areas is a subjective interpretation and does not warrant a formal response in my view.

Planning Obligations (s106 Agreement)

8.27 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.

- 8.28 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 additional mass and depth of the first-floor extension, as built, is not considered to give rise to unacceptable impacts towards neighbours and preserves the character and appearance of the conservation area. The proposed setting back of the side-return and re-location of the ductwork on the rear elevation would also respect residential amenity and not have a harmful impact on the conservation area. Although the cycle and bin provision is limited the proposal is considered to be acceptable, on balance, due to the extant permission on the site and its constraints. The retrospective nature of the amendments and permission sought should not sway the consideration of the application and its merits by Members.

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. There should be no collections from or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

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

5. Prior to the occupation/use of the development, details of equipment for the purpose of extraction and filtration of odours shall be submitted to and approved in writing by the local planning authority. The approved extraction/filtration scheme shall be installed before the use hereby permitted is commenced and shall thereafter be retained as such..

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

6. The development hereby approved shall be carried out in accordance with the noise insulation scheme, proposed ventilation and mitigation requirements as stated within the Inacoustic noise assessment (version 2, project number 16-061) dated 19th August 2016.

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

7. Prior to the commencement of development, as part of a noise insulation scheme to protect occupiers from external plant noise sources at 54 Mill Road, full details are required of the measures / mechanisms that will be in place to ensure that the windows on the rear façade of the development:
 - i. Have glazing that only opens outwards towards the plant on the rear roof of 54 Mill Road, and
 - ii. Have restricted opening so that they cannot open more than 100mm at any time

The development shall be carried out in accordance with the approved details.

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

8. 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)

9. Prior to the commencement of occupation, full details of the storage facilities for the separation of waste for recycling and composting within the individual flats shall be provided. The approved arrangements shall be retained thereafter.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity. Cambridge Local Plan 2006 policies 3/12 and 4/13

INFORMATIVE: The Housing Act 2004 introduced the Housing Health & Safety Rating System as a way to ensure that all residential premises provide a safe and healthy environment to any future occupiers or visitors.

Each of the dwellings must be built to ensure that there are no unacceptable hazards for example ensuring adequate fire precautions are installed; all habitable rooms have adequate lighting and floor area etc.

Further information may be found here:

<https://www.cambridge.gov.uk/housing-health-and-safety-rating-system>

INFORMATIVE: To satisfy the odour/fume filtration/extraction condition, details should be provided in accordance with Annex B and C of the "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems," prepared by Netcen on behalf of the Department for Environment, Food and Rural Affairs (DEFRA) dated January 2005 available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69280/pb10527-kitchen-exhaust-0105.pdf

INFORMATIVE: The future occupier of the flats shall not qualify for Residents' Parking under the existing residents parking scheme.