

Application Number	17/2090/FUL	Agenda Item	
Date Received	5th December 2017	Officer	Michael Hammond
Target Date	30th January 2018		
Ward	Petersfield		
Site	Moghul Tandoori 182 Sturton Street Cambridge CB1 2QF		
Proposal	Change of use of ground floor from takeaway to single dwelling, including changes to the external envelope and erection of outbuilding.		
Applicant	Mr A Miah 3 Almoners Avenue Cambridge CB1 8NZ		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none">• The change of use of a takeaway to a residential unit is acceptable in principle;• The proposal would not have an adverse impact on the amenity of properties in the surrounding area;• The proposed development would provide an acceptable living environment for future occupants.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 No.182 Sturton Street is a two-storey end-of-terrace building situated on the east side of Sturton Street. The ground-floor of the building was last used as a takeaway and the first-floor is used as a flat. There is a side entrance with an external staircase leading up to the first-floor flat. The side entrance is also used as a shared passage for adjoining properties to wheel bins and cycles out onto Sturton Street. Immediately to the north of the site is the Dobblers Inn Public House. The

surrounding area is predominantly residential in character and is formed of two-storey terraced and semi-detached properties.

- 1.2 The site falls within the Central Conservation Area (1993), Air Quality Management Area and Controlled Parking Zone.

2.0 THE PROPOSAL

- 2.1 The proposal seeks planning permission for the change of use of the ground-floor of the site from a takeaway use (A5) to a three-bedroom dwelling house. To facilitate this change of use, alterations to the external façade of the building are proposed, notably the removal of the shop front with a pair of sash windows.
- 2.2 The main entrance would be from the side of the shared passage and there would be a rear patio amenity space of approximately 21m². The internal floor area of the proposed dwelling would be approximately 78m².
- 2.3 A single-storey outbuilding is proposed along the width of the rear patio to provide general storage, bin storage and cycle storage.

3.0 SITE HISTORY

- 3.1 The relevant planning history is as follows:

Reference	Description	Outcome
C/98/0920	Erection of external access staircase, installation of first floor entrance door and change of use of first floor to an independent residential planning unit (Class C3).	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 Plan 2006	Local	3/1 3/4 3/7 3/11 3/12 3/14 3/15 4/11 4/13 4/14 5/1 5/2 8/2 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)
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) Air Quality in Cambridge – Developers Guide (2008) The Cambridge Shopfront Design Guide (1997) Roof Extensions Design Guide (2003) Interim Planning Policy Guidance on the Protection of Public Houses in the City of Cambridge (2012)
	<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 subject to residents parking informative.

Environmental Health

6.2 No objection subject to the following conditions:

- Construction hours;
- Collection/ delivery hours during construction;
- Acoustically treated ventilation scheme; and
- Housing health and safety rating system informative

Urban Design and Conservation Team

6.3 The development is supported subject to the following conditions:

- Sample panel of facing materials;
- Large scale drawing of new/ altered sills;
- Joinery materials;
- Joinery details; and
- New joinery

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 owners/occupiers of the following addresses have made representations in objection to the application:

- 2 Fairsford Place
- 4 Fairsford Place
- 9 Fairsford Place
- 15 Fairsford Place

7.2 The representations in objection can be summarised as follows:

- The commercial presence of a business in this location should be retained and the loss of this unit would be harmful to the character of the area;
- Lack of car parking/ pressure on on-street parking;
- The proposal would increase inconsiderate parking which may obstruct emergency and delivery vehicles;
- The density of development is too high and the bedroom sizes are too small;
- The height of the outbuilding would be ugly.

7.3 The owner/ occupier of the following address have made a neutral representation:

- Camcycle- The Bike Depot, 140 Cowley Road

7.4 The representation can be summarised as follows:

- Should this application be approved, a condition must be attached that the applicant will provide a fully specified layout for the cycle parking and bin storage area, and that this layout must be verified for compliance with the Cambridge Local Plan policy 8/6 and Appendix D

7.5 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. Third party representations

8. Planning Obligations (s106 Agreement)

Principle of Development

Residential Use

- 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 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 proposed residential unit would be approximately 78m² and so in the strictest application of criterion A, the proposal fails to comply with this policy. However, I do not consider it would be reasonable to refuse the application on this basis alone. The proposed unit would be similar to that of other flats that have been permitted elsewhere in the City. In addition, although policy 50 of the Emerging Local Plan (2014) has not been formally adopted yet, the proposed

unit would exceed that of the proposed space standards set out in this emerging policy. I am of the view that it would therefore be overly rigid and unreasonable to refuse the application for this reason.

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

- 8.6 The site is situated in the controlled parking zone and no off-street parking is proposed. The site is sustainable in location and local shops and facilities are within walking and cycling distance, including the City Centre and the Grafton Centre to the west. I therefore do not consider that the proposed residential use would be dependent on the private car as the main means of travel. There would be adequate room for cycle storage in the rear outbuilding. In my opinion, the impact upon on-street parking would be negligible.

C) The living accommodation provided would be unsatisfactory

- 8.7 The habitable rooms of the proposed dwelling would have acceptable outlooks in my opinion. The bedroom windows would all face out to the rear and have soft landscaping to provide defensive space outside these rooms. The windows serving the lounge and dining rooms on the street elevation would be similar to that of the other properties along Sturton Street. There would be a rear courtyard area to provide a private outdoor amenity space for the future occupants. St Matthew's Piece is within walking distance of the site. The site is also within walking distance of the Norfolk Street Local Centre and the City Centre.

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

- 8.8 A bin store is shown on the plans at the rear of the site with a straightforward access onto Sturton Street on collection days. Whilst this is acceptable in principle, further details of the capacity requirements and layout of the bins in relation to cycle storage are required. I am content that this can be controlled by way of condition. The upper-floor flat will continue to be able to store its bins beneath the external staircase. The design and access statement states that a total of four cycle parking spaces would be provided but the precise layout of the cycle store has

not been shown. Similar to the refuse arrangements, I am of the opinion that this can be dealt with through a planning condition.

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

- 8.9 The site is situated in a predominantly 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. The Environmental Health Team is satisfied that subject to an appropriate ventilation scheme being agreed, the future occupants would not experience harmful noise and disturbance from the adjacent public house. The proximity of the garden and windows to this adjoining public house would be similar to that of other properties in the immediate area.
- 8.10 In my opinion, subject to conditions, 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).

Principle of loss of takeaway use

- 8.11 There is no policy basis on which to resist the loss of a takeaway use (A5) in this location. Policy 6/7 of the Cambridge Local Plan (2006) only seeks to protect the change of use from retail (A1) to other uses within District and Local Centres. The site is not within a District or Local Centre and is also not classified as an A1 use. Furthermore, a new takeaway use in this location, if there was not an established use already, would not be supported as it would be contrary to policy 6/10 of the Cambridge Local Plan (2006) by virtue of the position of the site outside an existing centre.
- 8.12 Paragraph 70 of the National Planning Policy Framework (2012) states 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. In my opinion, given the proximity of the site to other restaurants and takeaways along Mill Road, Norfolk Street and the Grafton Centre areas, I do not consider the loss of this takeaway use would reduce the community's ability to meet its day-to-day needs.

- 8.13 In my opinion, the loss of the takeaway use on the site is acceptable and in accordance with paragraph 70 of the National Planning Policy Framework (2012).

Context of site, design and external spaces (and impact on heritage assets)

- 8.14 The existing shopfront is out of keeping with the character and appearance of the area whereby the traditional terrace has a uniform appearance of typically sash windows and doors that are residential in appearance.
- 8.15 The proposal seeks to remove this shopfront and replace it with a pair of sash windows with stone lintels above. The finish of this would provide a degree of continuation from the adjacent property at no.180 Sturton Street which has this finish. The wall vacated by the removal of the shopfront would be filled in with reclaimed gault brick. The large external flue on the side elevation would also be removed.
- 8.16 The Urban Design and Conservation Team are of the view that the proposed alterations and changes to the front and side elevations would enhance the character and appearance of the conservation area. They have recommended conditions regarding materials, joinery and sill details. I agree with this advice and consider the conditions necessary given the prominence of this front elevation. I have also recommended a condition to ensure that the flue is removed prior to occupation of the proposed dwelling. It is acknowledged that the Urban Design and Conservation Team have recommended that the windows and lintels of the first-floor could be amended to even further enhance the character and appearance of the conservation area. However, as no works to the first-floor flat are proposed under this application, I do not consider it would be reasonable to impose this.
- 8.17 The proposed changes to the fenestration of the rear elevation from a patio door to a set of three-windows would not have any significant impact on the appearance of the building. The proposed alteration of part of the rear elevation from render to brick is supported as it correlates successfully with the appearance of the building. The proposed soft landscaping to be introduced on the rear of the site would improve the

appearance of this space and is supported by the Urban Design and Conservation Team.

- 8.18 The proposed outbuilding at the rear of the site would have a simple pitched roof, measuring approximately 2.5m to the eaves and 3.5m to the ridge. It would be of a modest scale and mass and would not appear out of context with the surrounding area in my view. The Urban Design and Conservation Team have requested that an alternative material to that of the proposed fibre cement wood effect boarding. They are content however that this could be controlled through the materials sample condition.
- 8.19 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12, 3/14, 3/15 and 4/11.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.20 The proposed comings and goings of people entering and exiting the dwelling would be largely confined to the side passage which abuts the public house. I am therefore confident that movements of people, as well as bins and bicycles along this passage would not harm the amenity of nearby residential properties. The use of the patio area as an external amenity space would be similar to that of other gardens in the area and I do not consider the amenity of adjoining properties or the upstairs flat would be adversely impacted by this.
- 8.21 The proposed outbuilding would occupy the majority of the width of the site. It would be separated from the boundary of properties to the east along Fairsford Place by the 1m passageway. At 2.5m to the eaves I do not consider the proposed outbuilding would visually dominate or harmfully overshadow any neighbouring properties.
- 8.22 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 5/2.

Refuse Arrangements

8.23 The refuse arrangements have been assessed in paragraph 8.8 of this report.

8.24 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policies 3/12 and 5/2.

Highway Safety

8.25 No works to the public highway are proposed under this application.

8.26 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

8.27 Car parking has been addressed in paragraph 8.6 of this report. A car club and residents parking informatives are recommended.

8.28 Cycle parking has been addressed in paragraph 8.8 of this report.

8.29 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

8.30 The majority of the third party representations have been addressed in the main body of this report. Those outstanding are addressed below:

<u>Comment</u>	<u>Response</u>
The proposal would increase inconsiderate parking which may obstruct emergency and delivery vehicles;	The parking of cars outside the application site is not within the control of the local planning authority. The illegal blocking of the highway is a police matter.

Planning Obligations (s106 Agreement)

- 8.31 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.
- 8.32 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 change of use of the site from a takeaway to a three-bedroom flat is acceptable in principle. The proposal would provide an acceptable living environment for future occupants and would respect the amenities of properties in the surrounding area. The proposed alterations to the building would enhance the character and appearance of the conservation 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. 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 commencement of development/construction works to convert the property to residential use, details of an alternative form of acoustically treated background and purge / thermal comfort ventilation for the rear three bedrooms (to replace / negate the need to open windows for ventilation), in order to protect future occupiers from noise from the beer garden of the neighbouring public house at 184 Sturton Street shall be submitted to and approved in writing by the local planning authority. The ventilation scheme for each bedroom shall achieve at least 2 air changes per hour. Full details of the sound insulation performance and operating noise level of the alternative ventilation system shall be provided. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall be fully retained thereafter.

Reason: To protect the amenity of future occupants of this property from noise associated with the use of the rear beer garden of the neighbouring public house at 184 Sturton Street.
(Cambridge Local Plan 2006 policy 4/13)

6. 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).

7. 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).

8. Prior to commencement of development, a sample panel of the facing materials to be used shall be erected on site to establish the detail of bonding, coursing and colour, type of jointing and type of material shall be agreed in writing with the local planning authority. The quality of finish and materials incorporated in any approved sample panel(s), which shall not be demolished prior to completion of development, shall be maintained throughout the development.

Reason: In the interests of the visual amenity of the Conservation Area and to ensure that the quality and colour of the detailing of the brickwork/cladding and jointing is acceptable and maintained throughout the development. (Cambridge Local Plan 2006 policies 3/14, 3/15 and 4/11)

9. Prior to the commencement of development, large scale drawings of details of new / altered sills, lintels, jambs, transoms, mullions and thresholds shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the Conservation Area. (Cambridge Local Plan 2006 policy 4/11).

10. No new, replacement or altered joinery shall be installed, nor existing historic joinery removed, until drawings at a scale of 1:20 of all such joinery (doors and surrounds, windows and frames, sills, skirtings, dado rails, staircases and balustrades) have been submitted to and approved in writing by the local planning authority. This shall demonstrate that all new joinery is recessed at least 50/ 75mm back from the face of the wall/ facade and is of timber and not metal or plastic. The development shall be carried out in accordance with the approved details.

Reason: To avoid harm to the special interest of the listed building (Cambridge Local Plan 2006, policy 4/10)

INFORMATIVE: Following implementation of any Permission issued by the Planning Authority in regard to this proposal residents of the site, neither existing or new will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets.

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.

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>