## NORTH AREA COMMITTEE

Application Number	11/0395/FUL	Agenda Item	
Date Received	1st April 2011	Officer	Mr Tony Collins
Target Date	27th May 2011		
Ward	East Chesterton		
Site	1 The Grove Cambridge	Cambridgeshir	e CB4 1TJ
Proposal	Proposed two 1-bedroom The Grove.	ned flats adjace	ent to no 1
Applicant	Mr S Conrad		
	6 Willow Walk Cambridge 1LA	e Cambridgesh	nire CB1

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 1 The Grove is a semi-detached house, built for the local authority in the first half of the twentieth century. It is finished in buff brick, with a concrete tile roof. The site is a corner plot, where The Grove meets Cam Causeway, and in common with the pair of houses on the opposite corner, N<sup>os.</sup> 1 and 2 (the street is numbered consecutively round the close) are oriented diagonally to face both streets. Both No.1 and its neighbour also have a rear access from Nuffield Road. Most of the southwestern and north-western boundaries of the site are enclosed by a dense, but poorly-maintained conifer hedge about 2.5m high. There is a wide section on the Cam Causeway frontage where the boundary is formed by a low picket fence, however, and in addition to the rear vehicle access at the north end of the site, there is an additional section of the Nuffield Road frontage where there is a significant 'gap' in the hedge.
- 1.2 The site is not within any conservation area, and the building is not listed, statutorily or locally. There are no tree preservation orders on the site, which lies outside the controlled parking zone.

## 2.0 THE PROPOSAL

- 2.1 The application proposes an extension to the western side of the semi-detached pair of houses at 1 and 2 The Grove, taking up part of the side garden of N°.1. At first-floor level, the extension would follow the profile of N°.1, retaining the front and rear building lines of the house, and extending the first-floor massing and the hipped roof by 6.7m westward. At ground-floor level, the extension would also protrude by 0.8m in front of N°.1 and by 1.3m to the rear. Both protrusions would have hipped, lean-to roofs.
- 2.2 The extension would be configured to form two one-bedroom flats, one on the ground floor entered by a door to the side of the building, and one on the first floor, entered by a door alongside the existing front door of N<sup>o.</sup>1. The extension would also incorporate additional space for a rear ground-floor study/bedroom at N<sup>o.</sup>1. The extension to the building would have a single first-floor window and two ground-floor windows in the front (south) elevation, a single first-floor window and full-length opening doors at ground floor level on the side (west) elevation, and three ground-floor and two first-floor windows in the rear (north) elevation.
- 2.3 The remaining part of the existing garden of N<sup>o.</sup>1 would be subdivided. The north-eastern strip at the rear would retain the existing two car parking spaces for N<sup>o.</sup>1, and provide bin storage space for the house, while a 3.8m-wide strip providing amenity space for the house would be retained at the south-east corner. An existing store to the rear of the house would be re-used to provide cycle storage space for both the existing house and the new ground-floor flat. The westernmost corner of the existing garden would provide amenity space for the ground-floor flat. In the space in front of the proposed building there would be two car parking spaces for the flats, bin and cycle storage for the first-floor flat, and a 4m x 5m triangle of amenity space, also for the upper flat.
- 2.4 The application is accompanied by a design and access statement.

## 3.0 SITE HISTORY

Reference	Description	Outcome
11/0080/FUL	Erection of two one-bedroom	Withdrawn
	flats	

#### 4.0 PUBLICITY

4.1Advertisement:NoAdjoining Owners:YesSite Notice Displayed:No

#### 5.0 POLICY

#### 5.1 Central Government Advice

# Planning Policy Statement 1: Delivering Sustainable Development (2005)

**Planning Policy Statement 3: Housing (2010):** In the revised version of PPS3 issued in June 2010, the definition of previously developed land now excludes private residential gardens. The government has stated that the changes made to PPS3 are to reduce overcrowding, retain residential green areas and put planning permission powers back into the hands of local authorities.

# Planning Policy Statement 25: Development and Flood Risk (2006)

## 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

SS1: Achieving Sustainable Development
H1: Regional Housing Provision 2001to 2021
T2: Changing Travel Behaviour
T9: Walking, Cycling and other Non-Motorised Transport
T14 Parking
ENV7: Quality in the Built Environment
WM6: Waste Management in Development

## 5.3 Cambridgeshire and Peterborough Structure Plan 2003

Planning Obligation Related Policies

P6/1 Development-related Provision P9/8 Infrastructure Provision

### 5.4 Cambridge Local Plan 2006

3/1 Sustainable development
3/4 Responding to context
3/7 Creating successful places
3/10Subdivision of existing plots
3/11 The design of external spaces
3/12 The design of new buildings
3/14 Extending buildings
5/1 Housing provision
8/6 Cycle parking
8/10 Off-street car parking

Planning Obligation Related Policies

3/8 Open space and recreation provision through new development

3/12 The design of new buildings

- 5/14 Provision of community facilities through new development
- 10/1 Infrastructure improvements

### 5.5 **Supplementary Planning Documents**

Cambridge City Council (May 2007) – Sustainable Design and Construction 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 (27 May 2010)

The coalition government is committed rapidly to 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.

### Ministerial Statement: Planning for Growth (23 March 2011)

Includes the following statement:

When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant and consistent with their statutory obligations they should therefore:

(i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;

(ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;

(iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);

(iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;

(v) ensure that they do not impose unnecessary burdens on development.

In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.

### **City-wide Guidance**

Cambridge City Council (2006) - Open Space and Recreation Strategy.

Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010)

Cycle Parking Guide for New Residential Developments (2010)

### 6.0 CONSULTATIONS

#### Cambridgeshire County Council (Engineering) Head of Environmental Services

6.1 No comments have yet been received from either of these sources. Any comments will be reported on the Amendment sheet or at Committee.

### 7.0 REPRESENTATIONS

7.1 No representations have yet been received, but the deadline for such comments is not until 6<sup>th</sup> May 2011. If representations are

received, they will be reported on the amendment sheet or at Committee.

## 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: development in residential gardens
  - 2. Principle of development: presumption in favour of sustainable development
  - 3. Context of site, design and external spaces
  - 4. Residential amenity
  - 5. Refuse arrangements
  - 6. Highway safety
  - 7. Car and cycle parking
  - 8. Third party representations
  - 9. Planning Obligation Strategy

# Principle of Development: development in residential gardens

In 2010 central government made revisions to PPS3 which 8.2 were designed to reduce overcrowding and retain green space in residential areas. Paragraph 40 of PPS3 (2010) states that a key objective is for councils to make effective use of land by using land which has been previously developed. It follows that land not previously developed (a definition which now includes residential gardens) must be a low priority for development. In my view, this means that such development is only appropriate where an explicit and rigorous justification for the use of lowpriority land is provided, and the proposal clearly and unequivocally meets the tests of policy 3/10 of the Cambridge Local Plan (2006). In taking this view, I have noted the guidance implicit in recent planning appeal decisions. In dismissing a recent appeal for new residential development in the garden of 109 Glebe Road, the Inspector stated:

> However, the change to PPS3 means using garden land is no longer a priority. [ :] I agree that extending beyond the present building footprint would be possible but the

reasons for doing so need to be fully explained and justified.

and also:

these factors [efficient use of land and a contribution to the city's housing stock] support the more intensive use of the site but, given the changed emphasis in PPS3, they do not necessarily justify the loss of the rear garden.

- 8.3 In my view, although the character of the site in the appeal case is somewhat different, and the garden involved in the appeal is a rear garden, rather than a side garden as in this application, the principles underlying the Inspector's comments are equally applicable.
- 8.4 In this instance, the application provides no justification for the use of low-priority land. In addition, as I indicate below, it is my opinion that it fails two of the tests of policy 3/10, in that the provision of car parking space and amenity areas is not satisfactory, and it detracts from the character of the area. In my view, the principle of development on this scale in a residential garden, without clear justification, is in conflict with government guidance in PPS3 'Housing' (2010).

# Principle of development: presumption in favour of sustainable development

- 8.5 A ministerial statement, 'Planning and the Budget', was issued by the Department for Communities on 23<sup>rd</sup> March 2011. The document states that: 'the default answer to development and growth will be <u>\_</u> yes<u>\_</u> rather than <u>\_</u> no<u>\_</u>, except where this would clearly compromise the key sustainable development principles in national planning policy'.
- 8.6 The second half of the above sentence is crucial, however, and in my view, the advice in Planning Policy Statement 3 'Housing' (2010) forms part of these key sustainable development principles. As I have indicated above, I am of the view that the proposal would be in conflict with PPS3 'Housing' (2010).
- 8.7 The Ministerial statement also requires that local planning authorities must be 'firmly on the front foot in encouraging and

supporting growth'. Consequently, the benefits to the local economy of the proposed development must also be considered. I accept that any additional dwelling has the potential to benefit the local economy, but such benefits flowing from two very small dwellings are of a limited nature, and I do not consider that the new presumption in favour of development set out in Planning and the Budget (2011) means that any new dwelling should be approved on this basis regardless of any harm it may cause. I am not convinced that, on their own, the two flats proposed here would be likely to make a contribution to economic growth or employment sufficient to outweigh the conflicts with policy 3/10 of the Cambridge Local Plan (2006) and government guidance in PPS3 'Housing' (2010).

8.8 I note the requirement to encourage growth, and the presumption in favour of sustainable development contained in the ministerial statement 'Planning and the Budget' (2011), but in my view these issues do not provide a basis for ignoring the harmful impact of the proposal.

### Context of site, design and external spaces

- 8.9 The context of this site is a small cul-de-sac, planned as a whole, with semi-detached dwellings, in medium-sized plots, set symmetrically around the short street. The symmetry of the street is partially masked by the planting of trees and hedges, especially the substantial trees in the front garden of No.2. It is only a partial masking, however, and the imbalance between the form of the extended building at No.1 and the original building on the opposite side of the close would be apparent. These are not houses of great architectural distinction, but the precise visual balance of the close is a noticeable element of the local character, and is very characteristic of this era in Cambridge. On its own, this factor is perhaps not significant enough to be a reason for refusal of the application, but it is a further factor which leads me to doubt whether the loss of the garden space here can be justified.
- 8.10 The openness of the space around the houses, especially Nos. 1/2 and Nos. 11/12 is even more evident than the close's symmetry, notwithstanding the trees in front of No. 2. While the garden area on the west side of the application site is given some sense of enclosure by its substantial hedge, the absence of built form from this space is evident from both Cam

Causeway and Nuffield Road, and the openness of the site is evident from the front, the rear, and the side. There are a number of angles from which a view through the site is possible now, but would not be were the proposed flats to be erected. In my view, this is another element of the local character which would be harmed by the proposal.

8.11 In my view, the form of the proposed extension to No.1 responds reasonably well to the character of the original house, although the front projection is excessively wide, and the front first-floor fenestration is arranged in an unsympathetic manner, leaving a broad expanse of blank wall towards the western corner. In the broader context of The Grove and the other adjacent streets, however, I consider that the proposed flats would harm the local character, eroding the symmetry of the close, shutting off views, diminishing the sense of openness, and creating a more crowded quality on this corner. This would be contrary to policies 3/4, 3/7, 3/10 and 3/12 of the Cambridge Local Plan (2006), and to government advice on design in PPS1.

## **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.12 The proposed first-floor flat would overlook the rear garden of No.2 The Grove to a limited extent, but it would be less significant than the overlooking which is already possible from No.1. I do not consider that any loss of privacy would result. No privacy issues arise in any other direction; the nearest house to the west, 74 Green End Road, would be 25m distant, and the existing conifer hedge creates a complete visual barrier in this direction. For similar reasons, I do not consider that the proposal raises any issues of overshadowing, outlook, or noise for neighbouring occupiers.
- 8.13 In my opinion, the proposal adequately respects the residential amenity of its neighbours, 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 In my view, the proposal has three shortcomings with respect to future occupiers' amenity:

- (i) Since the area to the rear of the existing house at No.1 is required for car parking and bin storage, the proposal would leave this dwelling (a three-bedroom family house) with outdoor amenity space limited to a 3.8m wide strip in front of the living room window. This space is not negligible, and might be considered adequate for a small flat, but it is not sited or configured conveniently, and it would be poor provision for family use.
- (ii) The first-floor flat would have very limited outdoor amenity space: a small triangle, effectively 5m x 4.5m at its greatest, sandwiched between the living room windows of the other flat and the two car parking spaces. This would not be usable for any purpose.
- (iii) The occupiers of the ground-floor flat would have front windows from their kitchen/living room which looked out on to the upper flat's amenity space, and then, at distances varying from 1.4m to 4.5m, to the car parking spaces. This shortcoming is mitigated to some extent by the fact that the room also has full-length doors opening into the ground-floor flat's own private garden.
- 8.15 In my opinion the inadequate outdoor amenity space proposed for the future occupiers of the house and the upper flat, and the unsatisfactory configuration of habitable room windows, amenity space and car parking areas mean this proposal does not provide an attractive, high-quality, or stimulating living environment or an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is in conflict with Cambridge Local Plan (2006) policies 3/7 3/10 and 3/12.

### **Refuse Arrangements**

8.16 Appropriate bin storage space for all three proposed dwellings is shown. In my opinion, subject to completion of a unilateral undertaking for planning obligations, the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

## Highway Safety

8.17 The proposal retains the existing vehicular access points. In my opinion the proposal will have no significant highway impact, and is compliant with Cambridge Local Plan (2006) policy 8/2.

## Car and Cycle Parking

8.18 The application provides one on-site car parking space for each of the proposed flats. The full details off cycle parking are not shown, but the enclosures suggested on the drawings would appear to provide more than sufficient space to meet the Council's Cycle Parking Standards. This could be ensured by condition. In my opinion the proposal makes provision which is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10, but as I have indicated above, the position and configuration of the car parking spaces shown would harm the residential amenity of future occupiers.

## Third Party Representations

8.19 No representations have been received at the time of writing this report. If representations are received later they will be recorded and addressed either on the amendment sheet, or at Committee.

## Planning Obligation Strategy

## Planning Obligations

8.20 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 and relevant Supplementary Planning Documents. The proposed development triggers the requirement for the following community infrastructure:

#### **Open Space**

- 8.21 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.
- 8.22 The application proposes the erection of two one-bedroom flats. No residential units would be removed, so the net total of additional residential units is two. 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 provision for children and teenagers are not required from one-bedroom units. The totals required for the new buildings are calculated as follows:

Outdoor sports facilities					
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	2	714
2-bed	2	238	476		
3-bed	3	238	714		
4-bed	4	238	952		
Total				714	

Indoor sports facilities

Туре	Persons	£ per	£per	Number	Total £
of unit	per unit	person	unit	of such	
				units	
studio	1	269	269		
1 bed	1.5	269	403.50	2	807
2-bed	2	269	538		
3-bed	3	269	807		
4-bed	4	269	1076		
Total				807	

Informal open space					
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	2	726
2-bed	2	242	484		
3-bed	3	242	726		
4-bed	4	242	968		
Total				726	

Provision for children and teenagers					
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	2	0
2-bed	2	316	632		
3-bed	3	316	948		
4-bed	4	316	1264		
Total				0	

8.23 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 3/8 and 10/1 and the Planning Obligation Strategy 2010 and the Cambridge City

Council Open Space Standards Guidance for Interpretation and Implementation (2010)

### Community Development

8.24 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:

Community facilities					
Type of unit	£per unit	Number of such units	Total £		
1 bed	1256	2	2512		
2-bed	1256				
3-bed	1882				
4-bed	1882				
	2512				

8.25 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, Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

### <u>Waste</u>

8.26 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:

Waste and recycling containers					
Type of unit	£per unit	Number of such units	Total £		
House	75				
Flat	150	2	300		

8.27 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, Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

## Monitoring

8.28 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the costs of monitoring the implementation of planning obligations. The costs are calculated according to the heads of terms in the agreement. The contribution sought will be calculated as £150 per financial head of term, £300 per non-financial head of term. Contributions are therefore required on that basis.

## Planning Obligations Conclusion

8.29 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

9.1 This application proposes residential development within the garden area of an existing property. In my view the proposal fails to meet the requirements of policy 3/10, both because the arrangement of outdoor amenity space and car parking is unsatisfactory, and because it would harm the character of the area. No other justification is provided as to why such land (which is a low priority for development under the provisions of PPS3 (2010), should be used for this purpose. In these circumstances, I do not consider that the loss of the residential garden is acceptable. In my view, neither the side location of the garden, nor the mid-century, local-authority-designed, character of the houses alters the logic of this conclusion in any way.

9.2 I have noted the government's requirement that local authorities should be 'firmly on the front foot' in encouraging growth, and that the default response to proposals for sustainable development should be 'yes', but I do not consider that these requirements outweigh the proposal's clear conflict with local plan policy and the advice in PPS3 'Housing' (2010) on the use of residential gardens for development.

## **10.0 RECOMMENDATION**

**REFUSE** for the following reasons:

- The proposed extension at 1 The Grove would result in the loss 1. of garden land, which would close down views, diminish the openness of the area, increase the sense of crowdedness, and erode the designed symmetry of The Grove. In so doing, the development fails to respond positively to the site context. It would not create an attractive built frontage which would positively enhance the public realm adjacent to the site, nor have a positive impact on its setting in terms of its relationship with other buildings and open areas. The development is therefore contrary to policy ENV7 of the East of England Plan 2008, Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10 and 3/14, and government guidance in Planning Policy Statement 1 (2005), and in the absence of any justification for the development of residential garden land, which is a low-priority for development, is also in conflict with , and with government advice in Planning Policy Statement 3 (2010).
- 2. The application proposes a configuration of habitable rooms, outdoor amenity space and car parking areas which would not provide an attractive, high-quality and stimulating living environment for future occupiers, contrary to policies 3/7, 3/10 and 3/12 of the Cambridge Local Plan (2006), and Government guidance in Planning Policy Statement 1 (2005).

3. The proposed development does not make appropriate provision for public open space, community development facilities, waste storage or monitoring, in accordance with policies 3/8, 3/12, or 5/14 of the Cambridge Local Plan 2006 and policies P6/1 and P9/8 of the Cambridgeshire and Peterborough Structure Plan 2003; and as detailed in the Planning Obligation Strategy 2010, and Guidance for Interpretation and Implementation of Open Space Standards 2010.

## 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
  - a exempt or confidential information,
- 5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected by contacting John Summers (Ext.7103) in the Planning Department.

