

Application Number	11/0627/FUL	Agenda Item	
Date Received	9th June 2011	Officer	Mr Tony Collins
Target Date	4th August 2011		
Ward	Newnham		
Site	2 Barton Close Cambridge Cambridgeshire CB3 9LQ		
Proposal	Change of use from dwelling to student accommodation.		
Applicant	Mr Christopher Lawrence Barton Road Cambridge CB3 9BB		

1.0 INTRODUCTION

- 1.1 This application follows immediately on the withdrawal of an earlier identical application. That application was withdrawn after officers advised that a recommendation of refusal was likely because of conflict with local plan policy on student accommodation proposals which involve the loss of family housing (Cambridge Local Plan (2006) policy 7/7). The present application has been brought to Committee as a result of a Member request, on the basis that the policy issues raised about the proposed change of use merit public discussion.
- 1.2 The previous application generated no response from neighbours. In that context, and in an effort to ensure a timely determination, and avoid two months delay, I have agreed to bring the application before this Committee before the expiry of the neighbour response period (neighbour notification letters were generated on 9th June 2011, so the response period will not expire until 30th June)). It is unusual to bring an application to Committee at this stage, and in these circumstances, my recommendation must be subject to the proviso that no neighbour comments are received before the expiry of the period for responses. If comments are received before that

date, or any additional consultee responses are received, the application would have to be brought back to the next West/Central Committee.

- 1.3 The College is anxious to be able to bring the building into use this autumn if permission is granted. Given that the previous application did not give rise to neighbour concerns, and that such concerns therefore seemed unlikely with respect to this application, it seemed reasonable to officers that the application not be delayed until West/ Central Committee in August. It must be emphasised, however, that any resolution to determine the application must be subject to the absence of further representations before the notified deadline.

2.0 SITE DESCRIPTION/AREA CONTEXT

- 2.1 2 Barton Close is a detached two-storey dwelling. It has front and rear gardens, and is situated on the east side of the close, opposite the central oval 'island'. The building, which is set slightly back from the street frontage, has a projecting bay on the north side of the front elevation with an integral garage on the ground floor and a habitable room above. The building, which dates from the middle of the twentieth century, is finished in red brick, with a hipped, tiled roof. It is currently empty.
- 2.2 The application site lies on the boundary between an area to the south and east, which is occupied by individual private dwellings, and the Wolfson College campus, which extends for some distance both north and west. The western and northern boundaries of the plot abut the main Wolfson site. Norton House (3 Barton Close), which is adjacent to the site on the north side, was once a private dwelling, but has been in use by the College as student accommodation for at least 20 years.
- 2.3 The site is within the City of Cambridge Conservation Area No.2 (West). The site falls outside the controlled parking zone. There are no protected trees on the site.

3.0 THE PROPOSAL

- 3.1 The application seeks permission for change of use from dwelling to student accommodation. Seven student rooms would be provided in the building, whose outward appearance would be unchanged.

3.2 The application is accompanied by a supporting statement

4.0 SITE HISTORY

Reference	Description	Outcome
11/0092/FUL	Change of use to student accommodation	Withdrawn

5.0 PUBLICITY

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

6.0 POLICY

6.1 Central Government Advice

6.2 **Planning Policy Statement 1: Delivering Sustainable Development (2005):** Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for development to be managed effectively. This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

6.3 **Planning Policy Statement 5: Planning for the Historic Environment (2010):** sets out the government's planning policies on the conservation of the historic environment. Those parts of the historic environment that have significance because of their historic, archaeological, architectural or artistic interest are called heritage assets. The statement covers heritage assets that are designated including Site, Scheduled Monuments, Listed Buildings, Registered Parks and Gardens and Conservation Areas and those that are not designated but which are of heritage interest and are thus a material planning consideration. The policy guidance includes an overarching policy relating to heritage assets and climate change and also

sets out plan-making policies and development management policies. The plan-making policies relate to maintaining an evidence base for plan making, setting out a positive, proactive strategy for the conservation and enjoyment of the historic environment, Article 4 directions to restrict permitted development and monitoring. The development management policies address information requirements for applications for consent affecting heritage assets, policy principles guiding determination of applications, including that previously unidentified heritage assets should be identified at the pre-application stage, the presumption in favour of the conservation of designated heritage assets, affect on the setting of a heritage asset, enabling development and recording of information.

6.4 Circular 11/95 – The Use of Conditions in Planning Permissions: Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

6.5 Circular 05/2005 - Planning Obligations: Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

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.

6.6 East of England Plan 2008

SS1: Achieving Sustainable Development
ENV6 The Historic Environment
ENV7: Quality in the Built Environment
WM6: Waste Management in Development

6.7 **Cambridgeshire and Peterborough Structure Plan 2003**

Planning Obligation Related Policies

P6/1 Development-related Provision

P9/8 Infrastructure Provision

P9/9 Cambridge Sub-Region Transport Strategy

6.8 **Cambridge Local Plan 2006**

3/1 Sustainable development

3/4 Responding to context

4/11 Conservation Areas

5/4 Loss of housing

7/7 College and University of Cambridge Staff and Student Housing

8/2 Transport impact

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

8/3 Mitigating measures

10/1 Infrastructure improvements

6.9 **Supplementary Planning Documents**

Cambridge City Council (March 2010) – Planning Obligation Strategy: provides a framework for securing the provision of new and/or improvements to existing infrastructure generated by the demands of new development. It also seeks to mitigate the adverse impacts of development and addresses the needs identified to accommodate the projected growth of Cambridge. The SPD addresses issues including transport, open space and recreation, education and life-long learning, community facilities, waste and other potential development-specific requirements.

6.10 Material Considerations

Central Government Guidance

Written 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: Gives guidance on the provision of open space and recreation facilities through development.

Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010) Sets out how all residential developments should make provision for public open space, if not on site then by commuted payments. It incorporates elements from the Planning Obligations Strategy Supplementary Planning Document (2010) and the Open Space and Recreation Strategy (2006).

Area Guidelines

Cambridge City Council (2003)–Western Corridor Area Transport Plan:

The purpose of the Plan is to identify new transport infrastructure and service provision that is needed to facilitate large-scale development and to identify a fair and robust means of calculating how individual development sites in the area should contribute towards a fulfilment of that transport infrastructure.

West Cambridge draft Conservation Area Appraisal (2011)

Guidance relating to development and the Conservation Area including a review of the boundaries.

7.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 7.1 With respect to the previous (identical) application, the highways engineer commented that no information is provided as to whether the residents will be subject to proctorial control; and that if the residents are permitted to keep motor vehicles within the City there is potential for parking demand from the proposal to appear on-street. If any different advice is now given, it will be reported to Committee.

Head of Environmental Services

- 7.2 With respect to the previous (identical) application, the Head of Environmental Services sought a condition on waste storage, and an informative on Housing Standards. No objection was made to the application. If any different advice is now given, it will be reported to Committee.

Historic Environment Manager

- 7.3 I have not sought formal advice from the Historic Environment Manager as an informal discussion with a member of his team confirmed my initial view that this application does not have significant implications for the character of the conservation area.
- 7.4 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.

8.0 REPRESENTATIONS

- 8.1 No representations have been received. If further representations are received before the date of the Committee meeting, they will be reported on the amendment sheet or orally at the meeting.

9.0 ASSESSMENT

- 9.1 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. Residential amenity
3. Refuse arrangements
4. Car and cycle parking
5. Planning Obligation Strategy

Principle of Development

- 9.2 The conversion of this building falls within the scope of Policy 7/7 of the Cambridge Local Plan (2006). The policy states that

the development of additional student residential accommodation within existing College sites will be permitted. The College asserts that this site is covered by the above statement, because:

- (a) the curtilage of 2 Barton Road is contiguous with the main Wolfson site, and bounded by it on two of four sides
- (b) the College has held the freehold of the site since receiving it as a gift from St John's College in 1991
- (c) the gift was made with the express intention of facilitating the development of the College on its existing site
- (d) the adjacent building, Norton House, has been in operational use as part of the main Wolfson site for a long time

9.3 These facts are not in dispute, but in my view, they are not sufficient grounds to treat the application site as lying within the existing Wolfson College site.

9.4 Policy 7/7 also states that permission for windfall and hostel sites for student accommodation for Colleges will be granted if they meet four tests:

- (a) No harm to local amenity
- (b) Proximity to the institutions they serve
- (c) Supervision is provided as appropriate to their size, location, and the nature of the proposed occupants
- (d) No loss of family residential accommodation

9.5 In my view, the use of the house as seven student rooms is not likely to cause harm to the residential amenity of neighbours. The site is in very close proximity to the Wolfson main site, and in this context, and given the number of students to be occupied, I do not consider that any supervision on the application site is required. Tests (a), (b) and (c) above are hence satisfied.

9.6 However, in my view, the application fails test (d). I accept the fact that the house has not been occupied by a family with children since 1991, and I also acknowledge that if the change of use is not permitted, it is likely that the seven Wolfson College students which it might have accommodated will occupy space in some other unit within the city and hence reduce the available housing stock. Nonetheless, this building clearly has the potential to be occupied as a family house, and

policy 7/7 seeks to avoid the loss of such accommodation to student use.

- 9.7 In my opinion, the principle of the development is unacceptable and in conflict with policy 7/7 of the Cambridge Local Plan (2006).

Residential Amenity

- 9.8 I do not consider that the occupation of this building by students, in association with the main Wolfson site, would have any implications for neighbour amenity.
- 9.9 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) policy 3/4.

Refuse Arrangements

- 9.10 In my view, satisfactory waste storage provision for student use of the site can be ensured by condition.
- 9.11 In my opinion, subject to condition the proposal is compliant with the waste storage provisions of Cambridge Local Plan (2006) policy 3/12.

Car and Cycle Parking

- 9.12 In my view, satisfactory cycle storage provision for student use of the site can be ensured by condition.
- 9.13 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policy 8/6.
- 9.14 In my view, even if the student occupiers of the building are not subject to proctorial control, the additional pressure created on on-street car parking space would be limited, and, notwithstanding the comments of the highway authority, is not a reason to refuse the application.
- 9.15 In my opinion, the proposal causes no conflict with Cambridge Local Plan (2006) policy 8/10.

Planning Obligations

- 9.16 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 proposed development triggers the requirement for the following community infrastructure:

Open Space

- 9.17 The Planning Obligation Strategy requires that all new residential developments, including student accommodation 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, and informal open space. The total contribution sought has been calculated as follows.
- 9.18 The application proposes the conversion of 1 residential unit containing 5 bedrooms to form student accommodation containing seven bedrooms. In conversions, the contributions for open space are based on the number of additional bedrooms created, each additional bedroom being assumed to contain one person. Contributions for provision for children and teenagers are not required for individual student bedrooms. The

totals required for the accommodation resulting from the proposed conversion are calculated as follows:

Outdoor sports facilities					
Existing total bedrooms	New total bedrooms	Net additional bedrooms	Assumed net additional persons	£ per person	Total £
5	7	2	2	238	476

Indoor sports facilities					
Existing total bedrooms	New total bedrooms	Net additional bedrooms	Assumed net additional persons	£ per person	Total £
5	7	2	2	269	538

Informal open space					
Existing total bedrooms	New total bedrooms	Net additional bedrooms	Assumed net additional persons	£ per person	Total £
5	7	2	2	242	484

Provision for children and teenagers					
Existing total bedrooms	New total bedrooms	Net additional bedrooms not in 1-bed units	Assumed net additional persons not in 1-bed units	£ per person	Total £
5	7	0	0	316	0

9.19 If it can be robustly demonstrated that sufficient open space and sports facilities for the two additional occupiers is provided on Wolfson College's own sites, these contributions will not be sought.

9.20 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), or the demonstrated availability of alternative provision, 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)

Waste

9.21 The Planning Obligation Strategy (2010) requires that all new student accommodation developments contribute to the provision of waste and recycling receptacles. As the type of waste and recycling containers provided by the City Council for student accommodation are different from those for houses, the total contribution sought must be determined on a case-by-case basis. I have not yet received advice on the total required in this case. Any further advice will be reported to Committee.

9.22 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that, in respect of waste storage facilities, 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.

Transport

9.23 Contributions towards catering for additional trips generated by proposed development are sought where 50 or more (all mode) trips on a daily basis are likely to be generated. Two additional occupiers, if students, would be expected to create 9 net additional trips per day by all modes and consequently, transport contributions are not required.

Monitoring

9.24 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

- 9.25 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.

10.0 CONCLUSION

- 10.1 I do not consider that there are any grounds to refuse this application other than its conflict with the provisions of policy 7/7 of the Cambridge Local Plan (2006). I do not consider that the site, which occupies a distinct curtilage of its own, can be considered part of the main Wolfson site, notwithstanding the fact that the College has held the freehold since 1991. Nor do I consider that the recent occupation history disqualifies the building from being considered as family residential accommodation.

- 10.2 I have had regard to the Ministerial Statement 'Planning for Growth' (2011), and I note that the default answer to proposals for sustainable development should be 'yes'. Against a background of unsatisfied housing need, however, I do not consider a proposal for the loss of residential accommodation to be sustainable. I recognize that an increase in student numbers at Wolfson College may help to foster economic growth and employment, but I do not consider that this should outweigh the loss of an existing dwelling, which has the potential to be used as family accommodation, from the general housing stock.

11.0 RECOMMENDATION

REFUSE for the following reason/s:

1. The proposal would result in the loss of family residential accommodation, contrary to policy 7/7 of the Cambridge Local Plan 2006.

2. The proposed development does not make appropriate provision for open space or waste storage facilities, in accordance with policies 3/8, or 3/12 of the Cambridge Local Plan 2006 and policies P6/1, P9/8 and P9/9 of the Cambridgeshire and Peterborough Structure Plan 2003; and as detailed in the Planning Obligation Strategy 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 “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected on the City Council website at:

www.cambridge.gov.uk/planningpublicaccess

or by visiting the Customer Service Centre at Mandela House.