

Application Number	11/1465/S73	Agenda Item	
Date Received	29th November 2011	Officer	Miss Sophie Pain
Target Date	24th January 2012		
Ward	Cherry Hinton		
Site	1 Greystoke Road Cambridge Cambridgeshire CB1 8DT		
Proposal	S73 application to vary condition 4 of planning permission reference C/99/1218/FP to use the single storey side extension (known as the annexe) separately for a period of 2 years.		
Applicant	Mr. Francis Conmy 11 Queen Ediths Way Cambridge CB1 7PH		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 No.1 Greystoke Road is a bungalow occupying a corner plot at the junction of Cherry Hinton Road and Greystoke Road. Planning permission was granted in 2000, which permitted the construction of a single storey side extension on the south elevation for a garage and annex, which was used in conjunction with the existing bungalow.
- 1.2 Garden land surrounds the property to the north, facing Cherry Hinton Road. To the rear of the property is a group of 3 storey residential flats and their associated garages, which abut the common boundary to the east.
- 1.3 To the south, the neighbouring property, No.3 is a two storey detached dwelling, which sits 1 m forward of the application property.
- 1.4 The site does not fall within a Conservation Area.

2.0 THE PROPOSAL

- 2.1 The applicant seeks planning permission to vary an existing condition on planning permission C/99/1218/FP in order to allow the approved annex to be let separately from the bungalow for a temporary two-year period, thereby creating two separate planning units.
- 2.2 The reason to request the variation on a temporary basis is in order to let the annex in order to pay for the applicants care costs, while in a nursing home. The applicants' family do not intend to let the annex in the long term and are not seeking a permanent removal of the condition. There are no objections by the family if a condition is imposed, which is personal to the applicant.

3.0 SITE HISTORY

Reference	Description	Outcome
C/03/0764	Change of use from class C3 (Residential) to class D1 (Chiropractic Wellbeing Clinic) to include 5no. on site car parking spaces and 10no. cycle spaces.	WDN
C/03/0396	Change of use from class C3 (residential) to class D1 (chiropractic well being clinic).	REF
C/99/1218	Single storey side extension to existing dwellinghouse.	APC

4.0 PUBLICITY

- 4.1 Advertisement: No
Adjoining Owners: Yes
Site Notice Displayed: No

5.0 POLICY

5.1 Central Government Advice

Planning Policy Statement 3: Housing (2006):

Planning Policy Statement 3 (PPS3): Housing has been reissued with the following changes: the definition of previously

developed land now excludes private residential gardens to prevent developers putting new houses on the brownfield sites and the specified minimum density of 30 dwellings per hectare on new housing developments has been removed. The changes are to reduce overcrowding, retain residential green areas and put planning permission powers back into the hands of local authorities. (June 2010)

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

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

3/4 Responding to context
3/7 Creating successful places
3/10 Subdivision of existing plots
5/1 Housing provision
8/2 Transport impact

8/6 Cycle parking
8/10 Off-street car parking

Planning Obligation Related Policies

3/7 Creating successful places
3/8 Open space and recreation provision through new development
4/2 Protection of open space
5/14 Provision of community facilities through new development
8/3 Mitigating measures (*transport*)
8/5 Pedestrian and cycle network
8/7 Public transport accessibility
10/1 Infrastructure improvements (*transport, public open space, recreational and community facilities, waste recycling, public realm, public art, environmental aspects*)

5.5 Material Considerations

Central Government Guidance

Draft National Planning Policy Framework (July 2011)

The National Planning Policy Framework (Draft NPPF) sets out the Government's economic, environmental and social planning policies for England. These policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations.

Letter from Secretary of State for Communities and Local Government (27 May 2010)

The coalition government is committed to rapidly 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.

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 (2011) - 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)

- 6.1 The proposal provides no separate parking for the two dwellings, which may lead to conflict between the two households, and decant parking demand onto the surrounding streets.
- 6.2 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 Councillor Dryden has called this application to South Area Committee in order to discuss the reasons for a temporary variation to the conditions and to allow the applicant's family to present their reasons to Committee.
- 7.2 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
 3. Residential amenity
 4. Refuse arrangements
 5. Car and cycle parking
 6. Planning Obligations Strategy

Principle of Development

- 8.2 Policy 5/1 of the Cambridge Local Plan (2006) explains that provision is made for an increase of 12,500 dwellings over the period 1999-2016, and while it is recognised that most of these will be from larger sites within the urban area and urban

extensions, the creation of additional residential units on sites such as this, even in a temporary capacity, will be permitted subject to the existing land use and compatibility with adjoining uses, which is assessed in the sections below within the main body of the report.

- 8.3 Subject to the proposal being assessed against other material issues and policies within the development plan I am of the view that the principle of residential development acceptable and in accordance with Cambridge Local Plan policy 5/1.

Context of site, design and external spaces

- 8.4 The proposed variation to condition 3 of C/99/1218/FP does not require any external alterations to either the main dwellinghouse or the annex and as such the proposed temporary use of the annex as a separate dwelling does not alter the appearance of the building or the character of the street.
- 8.5 In my opinion the proposal is compliant with East of England Plan 2008 policy ENV6 and Cambridge Local Plan (2006) policy 3/4.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.6 The neighbour to the south, No.3 Greystoke Road is the only property, who may be directly affected by the proposal. The side elevation of the annex is built 1 m away from the common boundary, which provides a separate entrance into the annex. No.3 is located 5 m from the common boundary with No.1, with a brick built garage and covered walkway infilling this gap, finishing 1 m from the common boundary. There is also a fence, which is approximately 1.8 m in height and mature conifers along this boundary, which provides additional screening.
- 8.7 For the reasons outlined above, I believe that the proposed relaxation of condition 3 for a period of 2 years would not harm the amenity of the neighbouring property.
- 8.8 In my opinion the proposal adequately respects the residential amenity of its neighbours at No.3 Greystoke Road and the

constraints of the site and I consider that it is compliant with and Cambridge Local Plan (2006) policies 3/4 and 3/7.

Amenity for future occupiers of the site

8.9 For a period of two years, it is proposed that the bungalow and annex shall be let to unrelated persons. As such, given the intricate relationship of the two properties, consideration as to how the two properties relate needs to be given consideration.

8.10 The approved drawings from the previous application (C/99/1218/FP) detail patio doors on the north elevation of the annex, serving the lounge area. These doors focus the occupants view along the rear elevation of the bungalow and the patio area, which the occupants of the bungalow may wish to enjoy. Equally, if the occupants of the annex choose to use the patio area directly outside their lounge, then this is directly outside one of the bedroom windows of the bungalow. There is no other land around the annex, which could be used as external space for their enjoyment. My concern is that both sets of occupants would significantly infringe upon each other's privacy through direct overlooking between the two properties.

8.11 I have given consideration to the special circumstances put forward for letting the annex separately for a temporary two-year period. However, I do not consider that the weight of the special circumstances are great enough to outweigh my concerns about the amenity for future occupants. If permission were forthcoming on a temporary basis, then it is likely to set a precedent that the two elements of the property can be independently let. There is also the possibility that the temporary permission may seek to be extended, depending upon the applicants' physical health.

8.12 Consideration has been given to conditioning planning approval with a personal condition. Circular 11/95 states that;

『Unless the permission otherwise provides, planning permission runs with the land and it is seldom desirable to provide otherwise. Conditions restricting occupancy to a particular occupier or class of occupier should only be used when special planning grounds can be demonstrated, and where the alternative would normally be refusal of permission.』

- 8.13 It may be argued that it is for the future occupants to make the decision about living in such close proximity to non-related persons. I have considered, as have the applicants family, whether it is possible to erect a semi-transparent fence in order to provide some privacy, but all concerned consider that it would materially worsen the living conditions for the future occupants of the annex.
- 8.14 On balance, notwithstanding the above, I consider that this arrangement of dwellings would not be considered acceptable for a new development or a converted property and that 2 years is a considerable length of time and this does not outweigh the special circumstances of the situation.
- 8.15 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policy 3/10.

Refuse Arrangements

- 8.16 Refuse provision has been provided for on site, with three 240 ltr bins provided for each property. These are located on the paved driveway to the right, adjacent to the boundary with No.3. Although they are in a visually prominent position, I do not consider that there is any other alternative to providing a bin store to the front of the properties. I do not consider that there is any merit in requiring that the occupiers of the annex store their refuse bins to the rear of their property as there is very little space. As such, I consider that appropriate provision is made for refuse and that they are stored in an acceptable location.
- 8.17 In my opinion the proposal is compliant with East of England Plan 2008 policy WM6 and Cambridge Local Plan (2006) policy 3/10.

Car and Cycle Parking

- 8.18 To the front of the bungalow is a paved driveway with a garage fronting it. The driveway could accommodate two vehicles lengthways. This arrangement is clearly not be practicable for two separate households. The garage, which is located in front of the existing annex appears to have been used by the existing

owner and although it is narrow, it appears that it is usable. If the garage were not to be used, then there is a risk that any car parking will be off set onto the public highway, where there are no parking restrictions. As such, I consider that the facilities to provide appropriate car parking are available to future occupiers of the two dwellings and that this level of provision is in accordance with the maximum Car Parking Standards as detailed in the Cambridge Local Plan (2006).

- 8.19 No details have been provided for cycle parking and Officers are presently in discussions with the applicant's family regarding this. The outcome of these discussions will be reported on the amendment sheet prior to South Area Committee.
- 8.20 In my opinion the proposal is compliant with East of England Plan 2008 policy T14 and Cambridge Local Plan (2006) policy 8/6.

Planning Obligation Strategy

Planning Obligations

- 8.21 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

- 8.22 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.
- 8.23 The application proposes the erection a one-bedroom annex. No residential units would be removed, so the net total of additional residential units is one. 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	1	357
2-bed	2	238	476		
3-bed	3	238	714		
4-bed	4	238	952		
Total					357

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

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	1	363
2-bed	2	242	484		
3-bed	3	242	726		
4-bed	4	242	968		
Total					363

8.24 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

8.25 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	1	1256
2-bed	1256		
3-bed	1882		
4-bed	1882		
Total			1256

8.26 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.

Waste

8.27 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	1	75
Flat	150		
Total			75

8.28 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

- 8.29 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

- 8.30 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 RECOMMENDATION

REFUSE for the following reasons;

1. The additional residential unit, even on a temporary 2 year basis, would result in an unsatisfactory relationship between the existing bungalow and the proposed annex. It would result in overlooking between the lounge of the annex and a bedroom window of the bungalow, which could not be mitigated by the installation of a fence. Furthermore, the future occupants of the annex would directly overlook the external amenity space of the bungalow, thereby eroding the amenity that each set of future occupiers would expect from their properties. As such, this development does not provide an appropriate standard of residential amenity for the future occupiers of the proposed residential units. The development therefore fails to provide an attractive, high quality living space and also constitutes poor design and demonstrates an over intensive use of the site. The development is therefore contrary to policy ENV7 of the East of England Plan (2008), policies 3/4, 3/7 and 3/10 of the Cambridge Local Plan 2006 and to government guidance contained within Planning Policy Statement 1 - Delivering Sustainable Development (2005).

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.