

Application Number	09/0141/FUL	Agenda Item	
Date Received	24th February 2009	Officer	Mr Tony Collins
Target Date	21st April 2009		
Ward	Castle		
Site	139 Huntingdon Road Cambridge Cambridgeshire CB3 0DQ		
Proposal	Change of use from hotel (class C1) to hotel (class C1) or student accommodation (sui generis) in the alternative.		
Applicant	Hill Residential/ CATS Cambridge C/O Januarys Consultant Surveyors 7 Dukes Court 54-62 Newmarket Road Cambridge CB5 8DZ		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is a square 0.19 ha plot on the corner of Huntingdon Road and Storey's Way. Its two street frontages both measure 45m. To the south-east is the curtilage of 137 Huntingdon Road, and to the south-west, that of 1 Storey's Way; both are substantial detached houses with large gardens. Other houses stand on the opposite sides of both Storey's Way and Huntingdon Road, and the surrounding area is made up of other residential buildings, mostly detached houses in large gardens. The site is within the City of Cambridge Conservation Area No.7 (Storey's Way).
- 1.2 The existing building on the site, formerly the Cambridge Lodge Hotel, is a large structure from the early years of the twentieth century, with two principal floors and a third within the extensive roof space. It is constructed in a style derived from the Arts and Crafts movement, with steeply pitched roofs and dormer windows, and is finished in red brick and 'mock Tudor' timber and render, with clay tile roofs. It is set back 8m from both site frontages, and has a broadly rectangular footprint, reaching 25m along Storey's Way, and spanning 16m across the Huntingdon Road frontage.

The building is not listed, nor is it registered as a Building of Local Interest. The hotel ceased trading at some point during the last eighteen months, and the building is now apparently empty.

- 1.3 There are a number of timber sheds and a greenhouse to the south-west of the hotel building, between it and the common boundary with 1 Storey's Way, and a substantial garden to the south-east, partly lawned, and partly overgrown. There is significant tree cover on the site, and a Tree Preservation Order (20/1992) on the site protecting five trees: the prominent beech on the Storey's Way / Huntingdon Road corner; the walnut on the boundary with 137 Huntingdon Road; the silver birch on the Huntingdon Road frontage; a mulberry; and a sorbus. Other large trees on the site, including several substantial conifers in the south and south-west of the plot, are not protected. The garden is highlighted as a positive feature of the conservation area, and the beech and the walnut listed as key individual trees, in the 2008 appraisal.
- 1.4 The boundaries with 1 Storey's Way, and 137 Huntingdon Road are mostly delineated by timber fences. The fence adjacent to 1 Storey's Way is supplemented in the area between the buildings by a 1.6m hedge and an array of shrubs and small trees. The precise line of the boundary is difficult to discern at this point.
- 1.5 The whole of the ground area to the north-east, north, north-west and west of the main building is covered with tarmac and has been used for parking cars. The site falls outside the controlled parking zone.

2.0 THE PROPOSAL

- 2.1 The application seeks to preserve the existing hotel use as an alternative, but also to enable use as student accommodation by CATS Cambridge, an international sixth-form college providing pre-university courses. (The original wording of the application appeared also to seek permission for a combination of the two uses, and the wording of the application has now been amended accordingly). Permission for these two uses in the alternative would allow changes in both directions between the two uses for a period of ten years. At the end of that time, the use then in place would become the sole lawful use.

3.0 SITE HISTORY

Reference	Description	Outcome
67/0310	Erection of 6' high brick wall	Approved with conditions
73/0915	Extension to guest house and provision of parking	Refused
82/0059	Alteration of access point and provision of car parking	Approved with conditions
82/0123	Erection of porch	Approved with conditions
83/0122	Extension to hotel and car parking provision	Approved with conditions
83/0827	Extension to hotel	Approved with conditions
85/0705	Single-storey extension to hotel	Approved with conditions
87/0826	Single-storey extension to hotel	Approved with conditions
88/1015	Two-storey extension to hotel	Approved with conditions
95/0644	Two-storey extension to hotel	Approved with conditions
96/0739	Conversion of function room to two bedrooms	Approved with conditions
98/0085	Single-storey side extension to hotel	Approved with conditions
06/1337	Erection of building comprising 12 apartments	Withdrawn
07/0502	Erection of building comprising 10 apartments	Approved with conditions

The permission granted under 07/0502 has not been implemented, and following the extension of the City of Cambridge Conservation Area No.7 (Storey's Way) in 2008, cannot now be lawfully implemented unless Conservation Area Consent is first granted for the demolition of the existing building. No application for such consent has yet been made.

4.0 PUBLICITY

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

5.0 POLICY

Central Government Advice

- 5.1 **PPS1 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.
- 5.2 **PPS3 Housing (2006) :** Sets out to deliver a sufficient quantity of high-quality, well-designed housing. Paragraph 31 urges positive policies to bring into use empty housing and buildings.
- 5.3 **PPG13 Transport (2001):** This guidance seeks three main objectives: to promote more sustainable transport choices, to promote accessibility to jobs, shopping, leisure facilities and services, by public transport, walking and cycling, and to reduce the need to travel, especially by car. Paragraph 28 advises that new development should help to create places that connect with each other in a sustainable manner and provide the right conditions to encourage walking, cycling and the use of public transport.
- 5.4 **PPG15 Planning and the Historic Environment (1994):** Paragraph 2.18 emphasises that new uses may often be the key to a building's or area's preservation, and paragraph 1.4 stresses that economic prosperity can secure the continued vitality of conservation areas.

- 5.5 **Good Practice Guide on Planning for Tourism (2006):** Advises local planning authorities to assess the need for hotel facilities and to allocate an appropriate range of sites, but indicates that it is for developers to anticipate what their need for such sites will be.
- 5.6 **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.
- 5.7 **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.

Development Plan Policy

5.8 **East of England Plan 2008**

- SS1 Achieving sustainable development
- T1 Regional transport strategy objectives and outcomes
- T2 Changing travel behaviour
- T9 Walking, cycling and other non-motorised transport
- T14 Parking
- ENV6 The historic environment
- ENV7 Quality in the built environment

5.9 **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

5.10 **Cambridge Local Plan 2006**

- 3/1 Sustainable development
- 3/4 Responding to context
- 4/4 Trees
- 4/11 Conservation areas
- 5/3 Housing lost to other uses
- 6/3 Tourist accommodation
- 7/10 Speculative student hostel accommodation

- 7/11 Language schools
- 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
- 5/14 Provision of community facilities through new development
- 8/3 Mitigating measures
- 10/1 Infrastructure improvements

5.11 **Supplementary Planning Documents**

Sustainable Design and Construction (2007)

5.12 **Material Considerations**

Storey's Way Conservation Area Appraisal (2008)

6.0 **CONSULTATIONS**

Cambridgeshire County Council (Engineering):

6.1 Details of cycle parking are required.

Planning Policy Manager

- 6.2 No objection under policy 7/10, as purpose-built accommodation is not proposed. Provision for CATS students supported because it would reduce the demand for accommodation elsewhere in the housing market. Occupancy should be limited to CATS.
- 6.3 No objection under policy 6/3, as hotel use would not be extinguished by the proposed change of use.
- 6.4 No objection under policy 5/3, because pressure on the housing stock is more likely to be reduced by the use of these premises as student accommodation than by an attempt to secure their return to use as a private house or flats.
- 6.5 Proposal supported because a beneficial use of the site will

prevent its becoming derelict.

Historic Environment Manager

- 6.6 No objections. The change of use will not affect the exterior and therefore will not be detrimental to the character and appearance of the conservation area. Any additional cycle storage would need to be suitable for the conservation area.

Principal Arboricultural Officer

- 6.7 No objections but clarification of cycle parking location is necessary.

Head of Environmental Services:

- 6.8 No objections. Informatives recommended with respect to Housing Standards and fire safety. Presence of resident managing couple should be a condition.
- 6.9 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 Representations in support of the proposal, but requesting conditions have been made by the owners/occupiers of the following addresses:

- 137 Huntingdon Road
- 1 Storeys Way
- 26 Storeys Way

and by the following organizations:

- Storeys Way Residents Association

- 7.2 The requests for conditions can be summarised as follows:

- No car parking to be allowed by students
- Restrictions on noise
- Maintenance of the garden
- Clarity as to the role of managers

7.3 The owners/occupiers of the following addresses have made representations objecting to the proposal:

- 1 Marion Close
- 11 Marion Close

7.4 The objections can be summarised as follows:

- Noise and disturbance
- Loss of privacy
- Harm to the residential character of the area

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. Residential amenity
3. Disabled Access
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Trees
8. Planning Obligation Strategy

Principle of development

8.2 The principle of change of use of this building must be considered against the provisions of four separate policies in the Cambridge Local Plan (2006): 7/10 covering student accommodation, 7/11 covering language schools, 6/3 covering hotel accommodation, and 5/3 covering loss of housing.

8.3 Policy 7/10 permits the development of student hostels only if they are restricted to use by students of the city's two universities. However, the policy applies specifically to purpose-built student accommodation. The building on this site is not purpose-built, and

I accept the advice of the Planning Policy Manager that policy 7/10 does not provide a basis for the refusal of permission for change of use in an existing building. Furthermore, I also accept the Planning Policy Manager's view that given the expansion of the operations of CATS Cambridge, the use of this site for student accommodation required by that organization is likely to reduce the demand made by students from the college elsewhere in the housing stock.

- 8.4 Although the Planning Policy Manager suggests that occupancy of the building should be limited by condition to students of CATS, I am not convinced that policy 7/10 provides any basis for this, being limited in its scope to purpose-built accommodation.
- 8.5 Although many of its students are in the 16-18 age group and from outside the UK, CATS Cambridge is not a language school. Policy 7/11, which prohibits the development of new language schools and restricts the expansion of existing language schools, is therefore not applicable to this application.
- 8.6 I accept the Planning Policy Manager's view that since this application would not extinguish the existing hotel use, it is not contrary to policy 6/3 of the Cambridge Local Plan (2006), which forbids development which results in the loss of existing short-stay accommodation. I acknowledge that were the building to be in use as student accommodation ten years after the grant of permission, the hotel use would be extinguished at that point, but in my view, since the relevant policy background so far into the future is uncertain, this would not represent a sound reason for refusal of the application.
- 8.7 I also accept the advice of the Planning Policy Manager that although the application building was originally a house, it would not be wise to consider the application as in conflict with policy 5/3, which forbids the conversion of former residential buildings now in other uses to any use other than housing. The size of the building is such that it is unsuitable for occupation as a single dwelling, and its conversion to flats would present considerable difficulties which are not introduced by the relatively straightforward conversion from hotel to student accommodation. In my view the application of policy 5/3 to this site would have exactly the opposite impact to that intended; it would be likely to ensure the building remained empty, whereas the grant of the permission sought would have some possibility of lessening pressure on other sections of the

housing stock.

- 8.8 In addition to the above considerations, it is my view that the permitting of a viable use for the building, whether it be very short-term, or whether it persist for a longer period, is likely to contribute towards the preservation of the character and appearance of the conservation area because it will foster the maintenance of the building's fabric and the upkeep of the grounds, discourage vandalism, and give a lively character to the site. The City of Cambridge Conservation Area No.7 (Storey's Way) is, as the conservation area appraisal acknowledges, largely, but not entirely residential, and I do not share the view of neighbours in Marion Close that the change of use will have a harmful impact on the character of the area.
- 8.9 In my opinion, the principle of the development is acceptable and in accordance with policies 4/11, 5/3, 6/3, 7/10 and 7/11 of the Cambridge Local Plan (2006), and government guidance in PPS 3 and PPG15.

Residential Amenity

- 8.10 As the application proposes no changes to the exterior of the building, I do not consider there will be any implications for neighbouring occupiers with respect to privacy, outlook or light. Student occupiers of the building have the potential to create noise, but I do not consider that the increase in noise over that created by hotel guests is likely to be significant, especially since student occupiers are less likely to use cars. I note and appreciate the concerns expressed by neighbours about noise, but in this context, and in view of the small numbers involved (16) and the distance of the existing building from neighbouring properties, I do not consider that any significant harm to neighbour amenity is likely. I do not consider that it would be possible to frame any condition relating to noise in such a way as to meet the requirements of enforceability, precision or reasonableness in Circular 11/95. Similarly, although I welcome the plan to have a resident managing couple, I consider that a condition requiring such provision could only be justified while the student occupants are under the age of 18. (recommended Condition 3)
- 8.11 In my opinion the proposal adequately respects the residential amenity of its neighbours and I consider that it is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local

Plan (2006) policy 3/4.

Disabled Access

- 8.12 There are no policies in the Cambridge Local Plan (2006) which require particular provision for disabled users within the application building, but the Access Officer has urged, within the spirit of the local plan, that the applicants should seek to exploit the building's potential to provide for disabled residents on the ground floor. I concur with his recommendation for an informative on this issue.

Refuse arrangements

- 8.13 In my view, the level of waste storage space provided during the hotel use will be sufficient for the proposed student accommodation use, and the proposal is compliant with East of England Plan (2008) policy WM6 and Cambridge Local Plan (2006) policy 3/12.

Highway safety

- 8.14 The highway authority has not raised objections, and I do not consider that the application has any implications for highway safety. In my opinion the proposal is compliant with East of England Plan (2008) policy T1 and Cambridge Local Plan (2006) policy 8/2.

Car and cycle parking

- 8.15 The site currently provides informal car parking space for approximately 10-12 vehicles. The maximum level of car parking permitted under the City Council's Car Parking Standards for this scale of development (16 units of student accommodation plus two resident staff) can be calculated thus:

	Where there is control over car ownership by students	Where there is no control over car ownership by students
Maximum rate of provision for students	1 space per ten rooms	1 space per 3 rooms

Number of student units	16	16
Maximum spaces for students	2 (16/10 rounded up to nearest whole number)	6 (16/3 rounded up to nearest whole number)
Maximum rate of provision for resident staff	1 per resident warden	1 per resident warden
Number of resident staff	2	2
Maximum spaces for staff	2	2
Maximum total spaces	4 (2+2)	8 (2+6)

However, notwithstanding the encouragement of lower levels of car parking in government guidance and local plan policy, since these car parking spaces already exist, I do not believe there is any policy basis for refusing the proposed change of use on the grounds of excess parking.

- 8.16 The applicants' assurance that the students to be accommodated would not be permitted to own cars is welcome support for the principles of sustainability enshrined in the Cambridge Local Plan (2006). Since it appears that the majority of those accommodated in the first instance would be too young to drive lawfully in the UK in any case, the ownership controls envisaged may be largely academic, but once the use as student accommodation is established, the age and type of students accommodated may change, and there may be a greater likelihood that the residents of the building may wish to use cars. However, given the existing level of car parking on the site, and the fact that it has been used by hotel guests and staff in the past, I consider there to be no basis on grounds of noise, highway safety, pressure on on-street parking, traffic generation or visual amenity, to limit the use of cars by occupants of the building in either of the two proposed uses. Notwithstanding the requests of neighbours, I do not feel that policy would support the imposition of a requirement either by condition or by Section 106 agreement, to restrict car ownership or use by future occupants. In my opinion the proposal, even without such a requirement, is compliant with East of England Plan (2008) policy T9, and Cambridge Local Plan (2006) policy 8/10.

8.17 The City Council's Cycle Parking Standards require a minimum of 17 cycle parking spaces for residents for the proposed use, with some visitor cycle parking. The application acknowledges that provision needs to be made, but gives no detail. In my view this needs to be secured by conditions (recommended Conditions 1 and 2), to ensure the necessary level of provision, to guarantee proper security and enclosure from the weather, and to protect the trees from damage. In my opinion the proposal, subject to such a condition, is compliant with East of England Plan (2008) policy T14, and Cambridge Local Plan (2006) policy 8/6.

Trees

8.18 There are protected trees on the site, two of which, the beech and the walnut, are identified as being significant individual trees in the conservation area appraisal. The change of use itself has no implications for the trees, but I share the Principal Arboricultural Officer's concern that the installation of new cycle parking provision might have arboricultural implications. I recommend that this matter be the subject of appropriate conditions (recommended Conditions 1 and 2).

Third party representations

8.19 I have addressed all the issues raised in both objections and requests for conditions above, except for the garden. I acknowledge that the garden makes a positive contribution to the character and appearance of the conservation area, but I do not consider that policy provides any basis for requiring its upkeep. In my view, a condition which sought to require this would fail all the tests of Circular 11/95.

Planning Obligation Strategy

8.20 The Planning Obligation Strategy (2004) 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. 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, 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 formal open space, and informal open space. The total contribution sought has been calculated as follows.

- 8.22 The application proposes the creation of sixteen units of student accommodation and a flat to be occupied by a resident managing couple. Contributions towards children's play space are not required either from student accommodation or one-bedroom units. The totals required for the new buildings are therefore calculated as follows:

Formal open space					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
Managers flat	1.5	360	540	1	540
student	16	360	360	16	5760
Total					6300

Informal open space					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
Managers flat	1.5	306	459	1	459
student	16	306	360	16	4896
Total					5355

- 8.23 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2004), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 3/8 and 10/1.

Community Development

- 8.24 The Planning Obligation Strategy (2004) does not require that

student accommodation developments contribute to community development facilities, programmes and projects.

Transport

- 8.25 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.
- 8.26 Using the County Council standard figures for the number of trips likely to generated by student units and hotels, contributions have been calculated as follows.

Northern Corridor Area Transport Plan				
Existing daily trips (all modes) Hotel use	Predicted future daily trips (all modes) Student use	Total net additional trips	Contribution per trip	Total £
16x7.5=120	16x4+8.5=72.5	negative		No contribution required

9.0 RECOMMENDATION

1. APPROVE subject to the following conditions:

1. The building shall not be occupied as student accommodation unless covered, secure storage for at least 17 cycles has been provided to a design previously approved in writing by the local planning authority. The approved cycle storage shall remain in place and available to occupants at all times the building is in use as student accommodation.

Reason: to ensure adequate cycle parking (East of England Plan 2008, policy T14, and Cambridge Local PAn 2006, policy 8/6).

2. No work (including excavation or the bringing of materials on to the site) shall be undertaken to install cycle storage until a meeting with a member of the local planning authority's arboricultural team has taken place to discuss construction, and any tree protection measures deemed necessary by the local planning authority have been implemented.

Reason: to protect trees of amenity value (Cambridge Local Plan 2006 policy 4/4).

3. If any occupying students are under the age of 18 years, a resident manager shall be retained in the building.

Reason: to protect the amenity of neighbouring occupiers (Cambridge Local Plan 2006, policy 3/4).

INFORMATIVE: The applicant is reminded that this permission in the alternative allows either of the specified uses of the site for a period of ten years, but that at the end of that time, the use then in place will become the sole lawful use of the site.

INFORMATIVE: The applicant is advised that following the implementation of this permission, neither current nor future residents of the site will be entitled to residents' parking permits.

INFORMATIVE: The applicant is advised that 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. The proposed student accommodation must be altered 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, adequate food preparation facilities exist etc.

The applicant is also advised that it is most likely that the property will require a mandatory HMO License in order to operate.

The applicant/agent is further advised to contact Housing Standards at Mandela House, 4 Regent Street, Cambridge and Building Control (01223 457118) concerning fire precautions, means of escape, the HHSRS and HMO licensing.

INFORMATIVE: The applicant is reminded that a proportion of the rooms provided for students should meet disability standards. Advice on this matter should be sought from the Council's Access Officer on 01223 457075

INFORMATIVE: This planning permission should be read in conjunction with the associated deed of planning obligation prepared under s.106 of the Town and Country Planning Act 1990 (as amended).

Reasons for Approval

1. This development has been approved subject to conditions and following the prior completion of a section 106 planning obligation (/a unilateral undertaking), because subject to those requirements it is considered to generally conform to the Development Plan, particularly the following policies:

East of England plan 2008: policies ENV6 and ENV7

Cambridgeshire and Peterborough Structure Plan 2003: policies P6/1 and P9/8

Cambridge Local Plan (2006): policies 3/1, 3/4, 4/4, 4/11, 5/3, 6/3, 7/10 and 7/11

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

These reasons for approval can be a summary of the reasons for grant of planning permission only. For further detail on the decision please see the officer report by visiting the Council Planning Department.

2. Unless prior agreement has been obtained from the Head of Development Services, and the Chair and Spokesperson of this Committee to extend the period for completion of the Planning Obligation required in connection with this development, if the Obligation has not been completed by 30th June 2009 it is recommended that the application be refused for the following reason(s).

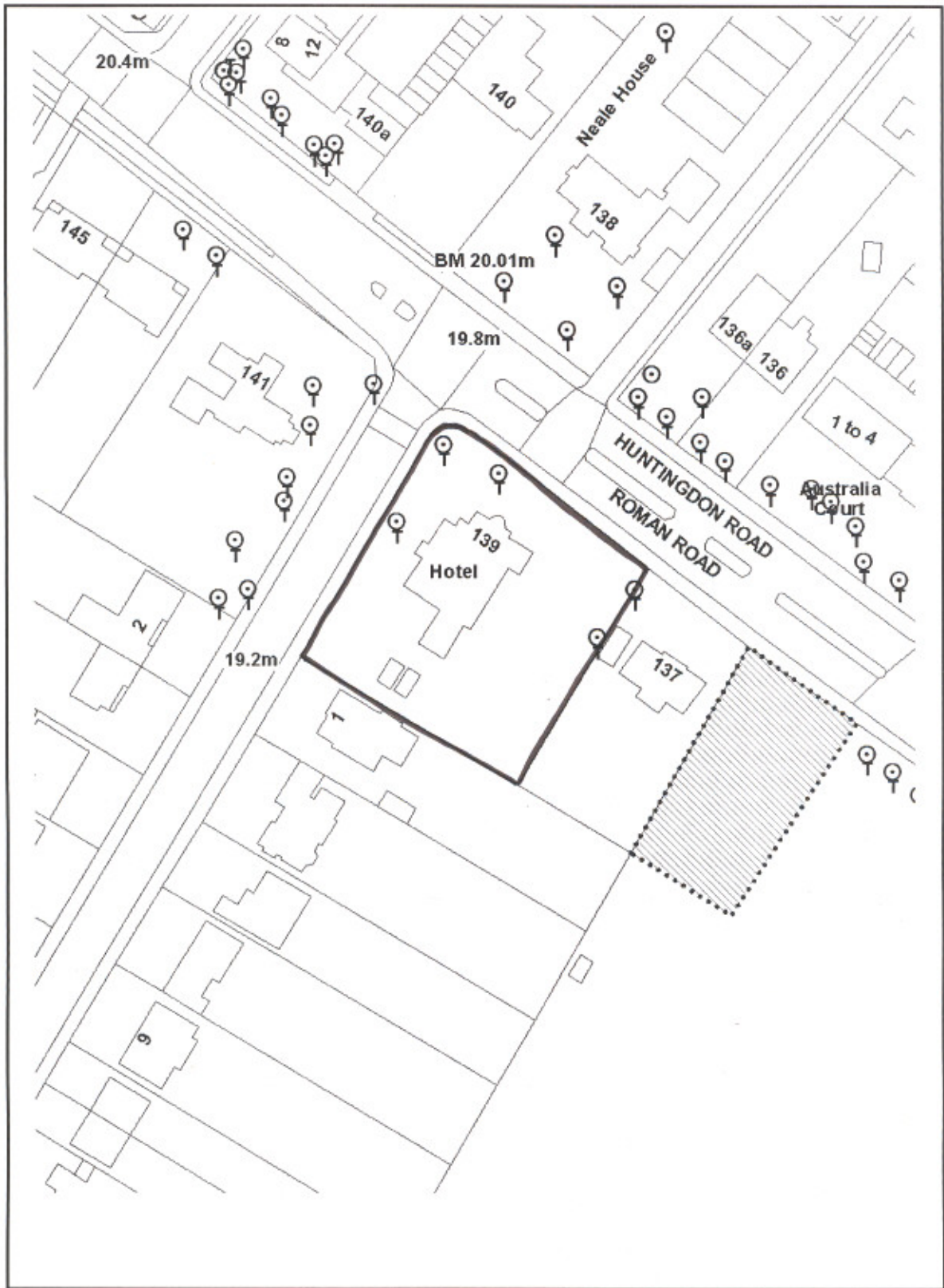
The proposed development does not make appropriate provision for public open space in accordance with policy 3/8 of the Cambridge Local Plan 2006 and policies P6/1 and P9/8 of the Cambridgeshire and Peterborough Structure Plan 2003; and as detailed in the Planning Obligation Strategy 2004 and Guidance for Interpretation and Implementation of Open Space Standards 2006.

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 by contacting John Summers (Ext.7103) in the Planning Department.



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