

Application Number	12/0381/FUL	Agenda Item	
Date Received	27th March 2012	Officer	Mr Amit Patel
Target Date	22nd May 2012		
Ward	Arbury		
Site	19 Alpha Road Cambridge Cambridgeshire CB4 3DQ		
Proposal	Change of use from C3 Dwelling House to House in Multiple Occupation (Sui Generis) (seven bedrooms).		
Applicant	Mr And Mrs D Jacklin Clare Cottage Main Street Caldecote Cambridge CB23 7NU		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The proposal will be for a HMO that occupies 1 more person than the permitted development allowance;</p> <p>The proposal will be part of the mix in the area providing varied accommodation;</p> <p>There are other similar developments along this street.</p>
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The subject site comprises a two-storey mid terraced dwelling and its associated front and rear garden zones being situated to the south western side of Alpha Road, close to its junction with East Hertford Street. The property is finished in buff brick and slate. The area is residential in character containing predominantly terraced two-storey dwellings.

1.2 The application dwelling has been recently renovated and has an out-building and extension to the rear. The rear extension and roof extension were approved under planning reference 09/0125/FUL.

2.0 THE PROPOSAL

2.1 This is a resubmission of a previously withdrawn application and now seeks planning permission for a change of use from C3 Dwelling House to House in Multiple Occupation (Sui Generis) (seven bedrooms). It does not include the outbuilding as part of the habitable space but there is no information on what the proposed use of the outbuilding is to be.

2.2 The application is accompanied by the following supporting information:

1. Design Statement
2. Plans

3.0 SITE HISTORY

Reference	Description	Outcome
11/1558/FUL	Change of use from C3 dwelling house to house in multiple occupation (sui generis)	WDN
09/0125/FUL	Erection of front and rear dormers and single storey rear extension.	A/C
06/0947/FUL	Erection of front and rear roof dormers and single storey rear extension.	A/C

4.0 PUBLICITY

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

5.0 POLICY

5.1 Central Government Advice

National Planning Policy Framework (March 2012)

The National Planning Policy Framework 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.

Circular 11/95 – The Use of Conditions in Planning Permissions

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
East of England Plan 2008	SS1 ENV7
Cambridge Local Plan 2006	3/1 3/4 4/13 5/7

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 Circular 11/95
Supplementary Planning Documents	Sustainable Design and Construction
Material Considerations	<u>Central Government:</u>

	Letter from Secretary of State for Communities and Local Government (27 May 2010) Written Ministerial Statement: Planning for Growth (23 March 2011)
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6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 The proposal will not qualify for Residents Permits (other than visitors) and subject to this the proposal will not have a significant impact upon the highway.

Head of Environmental Services

- 6.2 Both the Housing Standards and Waste Strategy have commented. Housing Standards are aware of the HMO and a licence is being processed and the Waste Strategy officer has commented that the proposal needs to show adequate space on site for waste and recycling and subject to this, the proposal is acceptable.

Additional Comments

- 6.3 At the time of writing the memo there were no complaints against the property, the first correspondence received was on 12th March 2012 but we have not witnessed or established noise nuisance from this property. Should noise arise there are provisions in the Environment Protection Act and HMO Management Regulation to mitigate against this.
- 6.4 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

- 7.1 The owners/occupiers of the following addresses have made representations:

- 10 Alpha Road

- 12 Alpha Road
- 15 Alpha road
- 16 Alpha Road
- 18 Alpha Road
- 20 Alpha Road
- 22 Alpha Road
- 26 Alpha Road
- 27 Alpha Road
- 29 Alpha Road
- 4 Hertford Street
- 8 Hertford Street
- 12 Hertford Street

7.2 The representations can be summarised as follows:

- Noise from the property causing disturbance and nuisance
- Character of the area is degraded as the limit of HMO has already been reached
- Design and Access statement is inaccurate as there is a noise issue with the premises
- Over development of the property
- Outbuilding still a concern
- Loss of privacy due to the concentrated use of the premises
- Bikes being parked on the public highway, blocks the pavement and causes conflict with other users.

7.3 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 . Highway safety
- 6 . Car and cycle parking
- 7 . Third party representations

Principle of Development

- 8.2 The proposal seeks to convert an existing house into a House in Multiple Occupation. Policy 5/7 of the Cambridge Local Plan (2006) is relevant. The policy states such proposals will be permitted subject to:
- a. The potential impact on the residential amenity of the local area;
 - b. Suitability of the building or site;
 - c. Proximity of bus stop and pedestrian and cycle routes, shops and local services.
- 8.3 Part (a) of the above is discussed in depth later but parts b and c are considered acceptable. In relation to part b, this is a three storey building and Housing Standards have commented that the site is acceptable. I consider there is room to accommodate the bins and cycle parking in the rear yard area, as well as in the outbuilding.
- 8.4 In relation to part (c) the site is close to Chesterton Road. There is good provision for public transport as well as pedestrian and cycle routes along Chesterton Road. The local highway authority have commented that as this is a Residents Parking area the conversion will mean that the residents will not have any rights for on-street car parking, except for visitors. The site is close Mitcham's Corner which has a variety of shops and other local services in the area.
- 8.5 Subject to the assessment in terms of residential amenity, in my opinion, the principle of the development is acceptable and in accordance with policy 5/7.

Context of site, design and external spaces

- 8.6 Comments have been received that the proposal is not acceptable as it will not be in keeping with the residential nature of the street. I do not consider that this is the case. There are already other well established Houses in Multiple Occupation in the area. There are no changes to the external appearance of the dwelling. A House in Multiple Occupation in this location would form part of the mix and range of housing in the street. Appendix 1 shows the number of licensed and unlicensed HMO's in the immediate area.

- 8.7 In my opinion the proposal is compliant with East of England Plan (2008) policy ENV7 and Cambridge Local Plan (2006) policy 3/4.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.8 Concerns have been received regarding the noise nuisance that the existing HMO creates. The Environmental Health officer has commented that the first noise complaint was received on 12th March 2012. I appreciate that a House in Multiple Occupation has the potential to be used more intensively than a single-family residence. I am also mindful that the applicants could convert the existing dwelling into a 6 person HMO without the need for planning permission.
- 8.9 The occupants are likely to have a different day-to-day regime to other family residences but I do not consider that the increase in potentially one more single occupation (7 instead of 6) would result in significant additional harm. Many HMO's do exist in such circumstances without undue harm in terms of noise and disturbance. The Environmental Health team have commented that the statutory noise nuisance legislation is adequate to mitigate against noise concerns, which in many cases is attributable to the nature of the individual occupants, which can be managed appropriately by a responsible landlord.
- 8.10 There have been comments raised in relation to the being awoken at night due to parties and loud noise. I note that other comments state that this has subdued recently. I consider that the restriction to 7 occupiers by proposed condition 2 will limit the impact.
- 8.11 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with East of England Plan (2008) policy ENV7 and Cambridge Local Plan (2006) policies 4/13 and 5/7 part (a).

Refuse Arrangements

- 8.12 The Waste Strategy Officer has commented that the proposal has not shown any space for waste and recycling. I consider

that there is room on site to accommodate the bins and therefore impose a condition to provide further details.

- 8.13 Subject to condition, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.14 Comments have also been received about cycles being left on the public highway, I do not consider it reasonable to refuse the application on these grounds as the highway authority have not raised this concern and this is a public highway where anyone can park a bike if they so wished. Proper provision on site should help alleviate this problem. (Condition 4).

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

Car and Cycle Parking

- 8.16 The local highway authority have commented that the proposal if allowed will lose its residents parking rights for on street car parking except those for visitors. This will relieve pressure on parking in an area or town where parking spaces are sought after.

- 8.17 There are no plans showing the cycle parking on site. I consider that there is room on site to the rear to accommodate the necessary spaces. In accordance with the Cycle Parking Standards 7 spaces for cycle parking are required.

- 8.18 Subject to condition, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.19 The comments received have been addressed above.

9.0 CONCLUSION

The proposal is for the conversion of a dwelling house to a HMO with 7 bedrooms. The applicant can convert this property to a 6 person HMO without planning permission. I do not consider that the increase in one occupier over and above what

is possible without permission will give rise to significant additional impact to warrant a refusal and I therefore recommend APPROVAL.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. The proposed House in Multiple Occupation (19 Alpha Road) shall not be occupied by more than 7 persons at any one time.

Reason: In the interest of residential amenity. (East of England Plan (2008) policy ENV7 and Cambridge Local Plan (2006) policies 4/13 and 5/7).

3. Prior to the commencement of development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheelie bins, recycling boxes or any other means of storage will be stationed and the arrangements for the disposal of waste. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason To protect the amenities of nearby residents/occupiers and in the interests of visual amenity. (East of England Plan (2008) policy ENV7 and Cambridge Local Plan (2006) policies 4/13 and 5/7).

4. No development shall commence until details of facilities for the covered, secure parking of 7 number bicycles for use in connection with the development hereby permitted have been submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

Reason: To ensure satisfactory provision for the secure storage of bicycles. (Cambridge Local Plan 2006 policy 8/6)

5. The existing outbuilding to the rear shall only be used for storage purposes and not for habitable accommodation.

Reason: To protect the amenity of the neighbouring occupiers. (East of England Plan (2008) policy ENV7 and Cambridge Local Plan (2006) policy 5/7).

INFORMATIVE: The applicant is reminded that the property will not benefit from on street Resident Parking except for visitor parking.

Reasons for Approval

1. This development has been approved, conditionally, because subject to those requirements it is considered to conform to the Development Plan as a whole, particularly the following policies:

East of England plan 2008: SS1 and ENV7

Cambridge Local Plan (2006): 3/1, 3/4, 4/13 and 5/7

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 details on the decision please see the officer report online at www.cambridge.gov.uk/planningpublicaccess or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.

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.