SOUTH AREA COMMITTEE

Application Number Date Received Target Date Ward Site	12/0793/FUL 25th June 2012 20th August 2012 Trumpington Clarendon House 16 Bro Cambridge Cambridgesh		Sav Patel
Proposal Applicant	Change of use from a sin Class C3) to a basement sui generis use at ground provide short-stay reside visiting academies and re with the Cambridge Kaza Trust. c/o Agent	flat (Use Class level and abo ntial accommo esearchers in a	s C3) and ve to dation for ssociation

SUMMARY	The development accords with the Development Plan for the following reasons:
	The retrospective subdivision of the basement from the upper levels to create an independent unit would not compromise the use of the rest of the property or have an adverse impact on the residential amenity of the adjoining neighbours.
	The proposed use of the upper floors to provide short stay accommodation to visiting students and academics on a relatively low key basis would maintain a residential function of the property.
	The property is likely to accommodate no more then host 5 occupants (excluding the basement flat). There would be some formal and informal meetings from the property but these would be limited.

	The proposed use would not require any external or internal alterations to the property.	
RECOMMENDATION	APPROVAL subject to conditions	

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is located on the southern side of Brooklands Avenue and adjacent to the junction with Clarendon Avenue. The site also falls within the Brooklands Conservation Area (designated in 2002) and is in a Controlled Parking Zone.
- 1.2 Brooklands Avenue is a pleasant tree lined Avenue comprising a mixture of residential and non-residential uses. Clarendon Avenue and Shaftsbury Road are residential in character.
- 1.3 The application site comprises a large, 4 ½ storey (including basement level and converted roof space) detached property of Edwardian origin on a generous size plot and set back approximately 11.5 metres from the highway. The property is also characterised by prominent chimney structures, which protrude from 3 sides of the property.
- 1.4 The site area is approximately 1,000sqm (or 0.25 acres). There are also several protected trees within the site located primarily along the eastern boundary.
- 1.5 The built form of the area is characterised by large properties set back from the road in a consistent line and behind defined boundary treatment.
- 1.6 The front boundary of the site is defined by railing fence with vehicular access point at the corner of the site with Clarendon Road. To the north of the site, directly opposite, is the Hope Nursing Home, which is set back from the highway and screened by frontage boundary treatment. The eastern boundary of the site is defined by a 2 metre high brick wall with hedgerow set in behind. To the east of the site beyond Clarendon Avenue is a terrace row of well presented late-Victorian villas, which are, all but one, in office use. To the west is a similar, large, detached four storey property on a larger plot

of land. The southern boundary of the site is defined by a 2 metre high brick wall and adjoins a detached double garage.

2.0 THE PROPOSAL

- 2.1 The proposal comprises two specific elements: 1) change of use of the existing residential property (C3) to Sui-Generis use at ground floor and all levels above to provide short term (no rent/fee basis) accommodation provision for visiting academics and researchers in association with Cambridge Kazakhstan Development Trust (CKDT); and 2) the separation of the basement level as a private residential flat (C3).
- 2.2 The application has been submitted on behalf of Kaz Cam Centre Ltd, which is a registered charity to support research and increase awareness and development of Kazakh language, culture, sciences, technology in support of Faculty of Asian and Middle Eastern Studies Programme on languages and cultures; coordination of scholarships; engagement in joint educational and research activity; and exchange of academics, researchers and other relevant personnel.
- 2.3 The proposed use of the property is to provide additional short stay accommodation for visiting academics to support the above purposes. The property would also be used as an interdisciplinary research centre with a primary purpose to support exchange academics, scholars, students and other professions who collaborate with colleagues in the promotion of bilateral academic relations between the region and UK.
- 2.4 The proposal would also regularise the use of the basement as an independent 2 bed residential unit, which has no connection with upper levels. The unit would have a separate access off Clarendon Avenue.
- 2.5 As for the layout of the rest of the property, it is proposed that the ground floor, which currently comprises the entrance hall with w/c; office, kitchen with utility and meeting room will not be materially changed. The open plan meeting room will be used as an open plan reception / dining room.
- 2.6 The first floor is currently laid out with two bedrooms both with ensuites and a reading room and a reading room accessed off the central hall. There is also a cylinder room. No material

alterations are proposed. Instead the reading room will be used as a study and the bedroom at the front will be converted to a dining room.

- 2.7 The second floor is currently laid out with three bedrooms (two with en-suites) and a main bathroom. The third floor comprises 1 bedroom with a cupboard. No material alterations are proposed to these floors/rooms. They are proposed to stay as they are.
- 2.8 Of the five bedrooms (excluding the basement), one will be occupied by an academic/researcher in a house sitting capacity on a permanent basis. The remaining four bedrooms will be used by exchange students and researchers that are solely connected with educational institutions of the Republic of Kazakstan. However, the applicant advises that it is unlikely the property will be fully occupied at any one time.
- 2.9 The occupation of the property runs parallel with the academic calendar and visitors are expected to stay typically between 10 days and 2 weeks but no more than 2 months. The site is not well suited for visitors wishing to stay for shorter stay (i.e. 2 nights) due to the location of the site from the University, as visitors are more likely to use college owned accommodation. Visitors will not be charged rent. Funding will be made through the existing grants and fund that the Trust expects to raise.
- 2.10 The property will also be used occasionally for informal meetings with limited numbers (no more than 10 academics). It is proposed that the meetings are to be held in the ground floor dining room and would be held six times a year. The proposed use would also include an annual garden party where immediate local residents will be invited.
- 2.11 The proposal will provide adequate cycle and bin storage provision, which will be located on the western side of the property. There is also off street parking at the front of the property however the applicant expects very limited requirement for these spaces, as typically, the residents and attending academics will not have access to or own a car.
- 2.12 As the proposed use does not include any physical alterations to the exterior or interior of the property or to any of the site

boundaries, the applicant advises that the use could easily revert back to a residential unit in the future, if required.

- 2.13 The application is accompanied by a Planning, Design and Access Statement.
- 2.14 The application is brought before Planning Committee because of the level of local objections received towards this proposal.

3.0 SITE HISTORY

Reference C09/0052	Description Removal of Existing low level timber fence, replace with new; build new metal balcony and steps to rear property to enable rear access	Outcome Approved 25.03.2009
C/03/0938	Change of use from educational (class D1) to residential (class C3).	Approved 08.06.2004
C/92/0197	CHANGE OF USE TO EDUCATIONAL USE (RENEWAL OF CONSENT C/0313/87 GRANTED 17/05/87).	Approved 29.04.1992
C/87/0313	CHANGE OF USE FROM RESEARCH LIBRARY TO EDUCATIONAL USE (CAMBRIDGE CENTRE FOR SIXTH FORM STUDIES) FOR A PERIOD OF 5 YEARS.	Approved 20.05.1987
C/69/0489	Garden annex for School or Architecture	Refused 22.09.1969
C/69/0349	Garden annex for the School of Architecture	Refused 01.01.1969

3.1 The above planning history demonstrates the property has been used for residential (class C3) and non-residential uses such as class D1.

4.0 PUBLICITY

4.1Advertisement:YesAdjoining Owners:YesSite Notice Displayed:Yes

5.0 POLICY

- 5.1 See Appendix 1 for full details of Central Government Guidance, East of England Plan 2008 policies, Cambridgeshire and Peterborough Structure Plan 2003 policies, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.
- 5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
East of England Plan	SS1 and ENV7
Cambridge Local Plan 2006	5/4 5/7 and 6/3

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

Central Government Guidance	National Planning Policy Framework March 2012
	Circular 11/95
	Community Infrastructure Levy Regulations 2010
Supplementary Planning Documents	Waste Management Design Guide
	Planning Obligation Strategy
Material Considerations	Central Government:
	Letter from Secretary of State for Communities and Local Government (27 May 2010)
	Written Ministerial Statement: Planning for Growth (23 March 2011)

<u>Citywide</u> :
Cycle Parking Guide for New Residential Developments
Conservation Area Appraisal:
Brooklands Avenue

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways)

- 6.1 The application increases the number of households occupying this site and so following implementation of any Permission issued by the Planning Authority in regard to this proposal the residents of the site will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets. This should be brought to the attention of the applicant, and an appropriate informative added to any Permission that the Planning Authority is minded to issue with regard to this proposal.
- 6.2 The highway authority recommends a number of planning conditions.

6.3 Urban Design and Conservation Team

Conservation do not wish to comment on this application.

7.0 REPRESENTATIONS

- 7.1 The owners/occupiers of the following addresses have made representations:
 - 17 Brooklands Avenue;
 18 Brooklands Avenue;
 21 Brooklands Avenue;
 22 Brooklands Avenue;
 1 Clarendon Road;
 3 Clarendon Road;
 5 Clarendon Road (x2);
 6 Clarendon Road;

7 Clarendon Road;
9 Clarendon Road;
17 Clarendon Road;
1 Shaftesbury Road;
2 Shaftesbury Road;
3 Shaftesbury Road; and
4 Shaftesbury Road;

7.2 The representations can be summarised as follows:

Non-compatible use within a residential area; Retrospective permission being sought; Disputes on the use of the rooms and by how many people and therefore difficult to enforce; Insufficient information to support need for proposed use; The proposed change of use is contrary to Brookland Avenue Conservation Area Appraisal; Increase vehicular movements and need for off-street parking; and Set a precedent for similar change of use applications.

- 7.3 A letter of representation has also been received from Brooklands Avenue Residents Association who have requested the representation received from the resident at no.5 Clarendon Road, as having been made on behalf of the Association.
- 7.4 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 the change of use; and
 - 2. Third party representations

Principle of Development

8.2 Essentially there are two elements to this planning application. The proposal to regularise, in planning terms, the use of the basement flat and secondly, to change the use of the rest of the property from class C3 (residential) to Sui-Generis use to provide short stay residential accommodation for visiting academics and researchers in association with the Cambridge Kazakhstan Development Trust.

- 8.3 The basement flat was being used as a separate flat before the applicant submitted the planning application. Therefore, the applicant is seeking to regularise this and seal it off from the main proposed use of the property.
- 8.4 The basement flat is accessed from the rear of the property and comprises two bedrooms both with en-suites, sitting room, kitchen and laundry room.
- 8.5 The principle of this use is considered to be acceptable given it is compatible with the residential character of the area and would not have a significant detrimental impact on the site and surrounding area.
- 8.6 The applicant has proposed to provide the require level of cycle spaces and bin storage provision for the basement flat as part of the overall site requirements. Therefore, 1 cycle storage space will be provided per bedroom (7 in total including 2 for the basement flat).
- 8.7 The spaces will be provided using Sheffield Hoops, which would be located to the side (west) of the property and behind the established 1.8 metre fence. The spaces will also be covered.
- 8.8 As for car parking, there is space at the front of the property to accommodate at least two cars off street and for them to manoeuvre within the site to enable them to leave in forward gear.
- 8.9 The retrospective conversion of the basement into a separate residential unit would need to satisfy the requirements of Local Plan Policy 5/2 (Conversion of Large Properties), which state self-contained dwellings will permitted expect where:
 - a) The residential property has a floorspace of less than 110 sqm;
 - b) The likely impact upon on-street parking would be unacceptable;

- c) The living accommodation provided would be unsatisfactory;
- d) The proposal would fail to provided satisfactory refuse bin storage or cycle parking; and
- e) The location of the property or the nature of nearby land uses would not offer a satisfactory level of residential amenity.
- 8.10 The basement flat is considered to comply with all of the above criteria. Therefore, on this basis, the principle of using the basement as an independent residential unit is considered to be acceptable.
- 8.11 As submitted, the second phase of the proposal seeks to change the use of the existing residential property (C3 use) to provide short stay residential accommodation to students and visiting academics and researchers in associations with CKDT (Sui-Generis use).
- 8.12 I have already set out in section 2 (Proposal) how the proposed Sui-Generis use of the property would breakdown across the ground and upper floors and surrounding area.
- 8.13 Essentially, the proposal is seeking to provide short-term accommodation for students/academics visiting Cambridge in association with an existing Trust. The proposal also seeks to provide some administrative activity from the property. Therefore, the main consideration is whether the level of activity proposed would harm the residential character of the area, taking in account the planning history of the site and other non-residential uses close-by.
- 8.14 The main policies to which this proposal relates are policy 5/4 (Loss of Housing), 5/7 (Supported Housing/ Housing in Multiple Occupation) and Policy 6/3 (Tourism Accommodation).
- 8.15 Policy 5/4 states that the change of use of residential accommodation to other uses will not be permitted unless the following criteria applies:
 - 1. The property is unfit for human habitation and cannot be rehabilitated;
 - 2. It is ancillary to a non-residential property without any practical means of separate access being provided;

- 3. Is it a Listed Building, which can be best preserved through change of use;
- 4. It is necessary for community facilities provision for which there is a need in Cambridge;
- 5. The lost accommodation is replaced by at least an equivalent amount of new residential floorspace;
- 8.16 The basement flat will continue residential use and upper floors are proposed to be used short stay accommodation, which is a residential use.
- 8.17 The proposal does include provision for administrative functions such as meetings (approximately 6 times a year) and an annual event but these are considered to be ancillary to the overall use proposed. Therefore, on this basis, the proposed use of the ground floor and upper levels would comply with this part of policy 5/4.
- 8.18 The second, third and fourth points do not apply in this instance
- 8.19 With regards to the fifth point, the property would not necessarily lose any residential accommodation, as the proposed use would still perform a residential function.
- 8.20 It should be noted that the use of the property has not always been residential. The property has been occupied and used as a residential unit for the past 8 years. However, before this time, the property was used as an educational facility in various forms dating back to the 1960s.
- 8.21 Under permitted development rights the property could also be occupied by multiple, unrelated occupants (6 or less persons) sharing amenities, as a House of Multiple Occupation (HMO) without the benefit of requiring planning permission for change of use.
- 8.22 It would therefore be pertinent to assess the proposal against policy 5/7 (Supporting Housing / Housing in Multiple Occupation).
- 8.23 Policy 5/7 states, development of these housing forms will be permitted subject to the following criteria:

The potential impact on the residential amenity of the local area;

The suitability of the building or site; and

The proximity to public transport provision including pedestrian and cycle routes, shops and other local services.

- 8.24 The proposed use of the property would still retain a residential function; the main difference would be the activity levels. The applicant has advised in their submission that "it is unlikely that all bedrooms will be occupied at the same time". Furthermore, activity levels outside university term time would see a drop in the level of academics needing to stay. The applicant has also advised that visiting academics occupying the property would be unlikely to have access to a car and would instead be commuting to and from the university using cycle, taxi or public transport.
- 8.25 Based upon the information provided and likelihood of any visiting academics having use of a private car, I am satisfied that the proposed use would not cause a significant adverse impact on residential amenity due to an intensification of car usage.
- 8.26 Furthermore, the applicant has advised that the proposed use would be used for formal meetings involving the CKDT approximately 6 times a year and would also be the venue for a garden party event in which local residents would be invited. Such activities are considered by the authority to be *de-minimis*.
- 8.27 The proposed use of the property for short stay accommodation is unlikely to have any significant adverse impact on the residential amenity of adjoining neighbours.
- 8.28 As mentioned previously, the property prior to its current use was used for educational purposes. The property is in a highly sustainable location with good links into town by walking or cycling and to public transport provisions. In these terms, the proposal is considered to be a suitable building for the proposed use and complies with point (b) and (c) of policy 5/7.
- 8.29 Finally, policy 6/3 (Tourist Accommodation) is also relevant.
- 8.30 Policy 6/3 states proposals that maintain, strengthen and diversify the range of short-stay accommodation will be

permitted. The policy also states that provision should be made available for disabled access and in cases of change from residential use, part of the accommodation must be retained as permanent residential accommodation.

- 8.31 The proposed use would strengthen and diversify the range of short stay accommodation, albeit to a specific group of academics.
- 8.32 The proposed level of accommodation would not trigger the need to provide an accessible room (six guest bedrooms). Therefore disabled access is not required due to the low level of short stay accommodation proposed.
- 8.33 Part of the property would be retained as a permanent residential unit in the basement and a permanent 'house sitter' to support and upkeep with property.
- 8.34 The proposal complies with the objectives of policy 6/3.
- 8.35 In view of the above, I am of the opinion that the principle of the proposed change of use is acceptable in this instance and in accordance with policies 5/3, 5/7 and 6/3 of the adopted Local Plan (2006).

Third Party Representations

- 8.36 Several representations have been received towards the proposed use of the property from local residents including the Brooklands Avenue Residents Association.
- 8.37 The main comments from these representations are set out in paragraph 7.3. I set out below my response to the comments made.

Non-compatible use within a residential area

8.38 The proposed use would still maintain a residential presence within the area, albeit for multiple short stay visitors sharing the amenities of the house. In addition, the proposal would not involve making any internal or external alterations to the property. Therefore, from the outside and public realm there would be no difference in the current appearance of the property and on this basis there would be no material impact on the setting of the Conservation Area. Given the likely level of use, which I consider to be of low intensity, I do not consider any significant harm to the residential amenity of the surrounding residents.

- 8.39 There are many examples of non-residential uses within the surrounding area such as the care home opposite the site which is in the residential use class; offices in the adjoining Victorian villas; and educational uses along Brookland Avenue.
- 8.40 Therefore, the proposed use would materially appear or perform a non-compatible use within this area.

Retrospective planning application

- 8.41 Many of the representations received argue that the proposed use has already been implemented.
- 8.42 Having visited the site and received confirmation from the agent, I am satisfied the proposed use of the ground floor and upper floor has not been implemented.
- 8.43 The planning application is, however, seeking to regularise the unauthorised use of the basement flat as a separate residential unit.

Dispute over use of rooms and number of people visiting the site

- 8.44 The proposal short-stay use would provide 5 bedrooms (1 on the first floor; 3 on second floor and 1 in the roofspace). All the rooms on the first and second floors are of generous size and could accommodate double beds. The third floor room is the smallest.
- 8.45 The proposal would include an academic to live at the premises on a permanent basis in a house siting capacity to manage the upkeep of the property and for security purposes.
- 8.46 It is not expected that any of the visitors will arrive with a partner or dependents, but even it that were to be the case, I do not consider the intensity of the use to be harmful.

8.47 The agent has advised that the property is unlikely to be fully occupied at any one time, which I accept.

Proposal contrary to Brooklands Conservation Area Appraisal

- 8.48 The Brooklands Conservation Area Appraisal (BCAA) was updated in 2002 from the 1999 version and provides supporting guidance for future development in the area when determining planning applications.
- 8.49 Paragraph 7.07 (Protection of Domestic Character) states that houses that are converted to commercial use can often erode the residential character of the area leading to disturbance to neighbouring dwellings through intensified car parking and car movements, and various non-domestic external alterations to the property, such as fire escapes and security lights.
- 8.50 The proposed change of use would maintain a residential function and does not propose any external alterations, which would adversely affect the amenity of neighbouring residents or materially affect the character of the area. Therefore the character of the area would not be adversely affected by the proposed change of use.
- 8.51 Although the proposal would include a small office, this is considered to be ancillary to the overall function of the proposed use. I do not consider the proposed use would result in the property being used in the same way as a commercial business or at an intensity that would cause harm to the area and local residents.

Insufficient information to support proposed use

- 8.52 The proposed use of the property is not considered to be of a scale that would warrant a sequential appraisal of its locational merits, particularly given the mix of domestic and non-domestic uses along Brooklands Avenue.
- 8.53 The proposed use would, based upon the information provided, have very limited impact on the residential function and character of the area. On this basis, the information submitted, which sets out the specific arrangements for the property and how it will be used and by who, is considered to be sufficient for

Officers to make an informed assessment and recommendation.

Increased vehicle movements and need for off street parking

- 8.54 The agent has advised that visitors attending and staying at the property are unlikely to have access to a private car.
- 8.55 The property is located within a highly sustainable location with good access links into the city centre via walking and cycling. The site is also located close to a bus stop, which provided regular services into the city.
- 8.56 In view of this, it is unlikely that any visitors would need to have access to a private car. However, notwithstanding this, if students and academic did then there is sufficient parking in front of the property to accommodate at least 4 vehicles.
- 8.57 Each application should be treated on its own merits.

Set a precedent for similar change of use applications

8.58 Until very recently, the property for many years (dating back to the 1960s) was used as an educational and research centre. Therefore, a precedent has already been set for non-domestic use and would be difficult to argue against in this context. Nevertheless, the proposed use of the property would lean more towards residential than commercial and therefore offers a much more suitable and sympathetic end use to the character and residents of the area.

9.0 CONCLUSION

- 9.1 The proposed change of use of the existing residential dwelling (16 Brooklands Avenue) is to create a venue for short stay accommodation for visiting students and academics in association with the Cambridge Kazakhstan Development Trust (CKDT).
- 9.2 The Trust is a member of Cambridge University, particularly Jesus College and would promote bilateral academic relations within the region and in the UK and coordinate scholarships in order to enable students to gain places at the University. The Trust also aims to provide an exchange system for academics

and researchers to educational institutions of the Republic of Kazakhstan. It is through this work that the need for short stay accommodation has arisen.

- 9.3 According to the agent, the property at no.16 Brooklands Avenue provides the requisite level space to meet this need.
- 9.4 The proposal would not involve making any internal or external alterations to property. The property current comprises 6 bedrooms (excluding the basement flat). The proposal is to use reduce this to 5 bedrooms and use the second and third floors as the main levels of accommodation for visiting academics. Each bedroom, apart from the single room in the third floor, will benefit from en-suites. The property will still maintain a separate bathroom.
- 9.5 The internal layout of the rooms and floors would be designated for specific functions.
- 9.6 I am of the view that the proposed use would not have any adverse impact on the character of the area or on the residential amenity of the adjoining residents. For these reasons, I am recommending the planning application to be approved.

10.0 RECOMMENDATION

1. APPROVE subject to the following conditions and reasons for approval:

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. No development shall commence until details of facilities for the covered, secured parking of bicycles for use in connection with the development hereby permitted shall be 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 appropriate provision for the secure storage of bicycles. (Cambridge Local Plan 2006 policy 8/6)

3. The hereby approved use of the property (excluding the basement level) as short stay accommodation shall be occupied by no more than 4 occupants (excluding the permanent house sitter) during the academic cycle/year, at any one time, and for a maximum period of 2 months per stay.

Reason: To control the intensity of the use and to protect the amenity of the adjoining residents.

INFORMATIVE: The Trust is encouraged to ensure any visiting occupants are aware of the sustainable transport provision available to them for access the property and should discourage the use of private cars where possible.

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, ENV7

Cambridge Local Plan (2006): 5/4, 5/7 and 6/3

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 please see the officer report online decision at www.cambridge.gov.uk/planningpublicaccess visit or 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: <u>www.cambridge.gov.uk/planningpublicaccess</u> or by visiting the Customer Service Centre at Mandela House.