

Application Number	14/0444/FUL	Agenda Item	
Date Received	27th March 2014	Officer	Ms Lorna Gilbert
Target Date	22nd May 2014		
Ward	Abbey		
Site	591 Newmarket Road Cambridge CB5 8PA		
Proposal	Change of use of property from a residential dwelling (use Class C3) to a large house in multiple occupation (sui generis) (retrospective application).		
Applicant	Mr Narinder Hayre c/o Agent United Kingdom		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 591 Newmarket Road is a double-fronted, detached, two-storey property, with extensive additions at the rear, situated on the north side of road about 500 metres east of (and opposite) the junction with Whitehill Road. The site is bordered to the east by No.593 Newmarket Road and to the west by No.589 Newmarket Road. The northern rear site boundary borders the gardens of No.335, 337 and 351 Ditton Fields.
- 1.2 Newmarket Road is a main arterial road into the city centre, and this part of the road is predominantly residential in character.
- 1.3 The site does not fall within a Conservation Area.

2.0 THE PROPOSAL

- 2.1 The application is retrospective. It seeks permission for the change of use of a residential dwelling (use class C3) to a large house in multiple occupation (Sui Generis). The house would provide a total of 9 bedrooms at this address. The House of Multiple Occupation (HMO) contains two shared kitchen/dining area.
- 2.2 A gate and fence are proposed at the side of the property to create a bin and bicycle storage area. It would provide space

for five Sheffield hoop cycle stands to accommodate 10 bicycle spaces and a bin and recycling storage area.

2.3 The proposed site plan drawing shows two on-site car parking spaces. Bollards would be provided to restrict parking to two spaces.

2.4 There is a communal garden to the rear of the main house.

2.5 The application is accompanied by the following supporting information:

1. A letter from Januarys dated 21st March 2014.

3.0 SITE HISTORY

Reference	Description	Outcome
C/70/0824	Erection of Conservatory, garage, store and fuel store.	A/C
C/93/0876	Erection of roofed stricter to rear patio area of existing house.	R
C/94/0383	Single storey full width rear extension to existing house (C3) to form covered area.	A/C
C/01/0656	Erection of a single-storey rear extension to replace existing canopy	A/C
C/03/1256	First floor extension to existing dwelling house	A/C
08/0672/FUL	Change of use from dwelling to Guest House.	A/C
13/1734/FUL	Change of use of property from a residential dwelling (Use Class C3) and associated garden house to a House in Multiple Occupation (Sui Generis) (Retrospective Application). Erection of new cycle store at front.	Withdrawn
14/0445/FUL	Change of use of a garden building from ancillary residential use (Use Class C3) to provide living accommodation ancillary to the main dwelling, including cycle	Refused 22.5.14

	storage.	
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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 2012
 National Planning Practice Guidance 2014
 Community Infrastructure Levy Regulations 2010
 Circular 11/95 – The Use of Conditions in Planning Permissions
 (Annex A)

5.2 Cambridge Local Plan 2006

3/1 Sustainable development
 3/4 Responding to context
 3/7 Creating successful places
 4/13 Pollution and amenity
 4/14 Air Quality Management Areas
 4/15 Lighting
 5/1 Housing provision
 5/2 Conversion of large properties
 5/7 Supported housing/Housing in multiple occupation
 8/2 Transport impact
 8/6 Cycle parking
 8/10 Off-street car parking

5.3 Supplementary Planning Documents

Cambridge City Council (May 2007) – Sustainable Design and Construction
 Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
 (March 2010) – Planning Obligation Strategy

5.4 Material Considerations

City Wide Guidance

Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)
Strategic Flood Risk Assessment (2005)
Cambridge and Milton Surface Water Management Plan (2011)
Cambridge City Council (2011) - Open Space and Recreation Strategy
Balanced and Mixed Communities – A Good Practice Guide (2006)
Green Infrastructure Strategy for the Cambridgeshire Sub-Region (2006)
A Major Sports Facilities Strategy for the Cambridge Sub-Region (2006)
Cambridge Walking and Cycling Strategy (2002)
Cambridgeshire Design Guide For Streets and Public Realm (2007)
Cycle Parking Guide for New Residential Developments (2010)
Air Quality in Cambridge – Developers Guide (2008)

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 No site layout has been provided upon which comment.
- 6.2 Newmarket road is a busy arterial highway and it is essential that cars entering the site should be able access the site independently, turning to enter and leave in forward gear, and that two cars can pass at the entrance.
- 6.3 Unless and until the ability to do so is demonstrated the Highway Authority recommends that the proposal is REFUSED planning permission.
- 6.4 Reason: Impact upon the safe and efficient operation of the public highway.
- 6.5 Parking is provided at a level of less than one space per bedroom and so the proposal may impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this aspect of the development is unlikely to result in

any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity which the Planning Authority may wish to consider when assessing this application.

- 6.6 A Site Plan was received on 20th May 2014 in response to Highways comments. Highways responded:
- 6.7 The car parking spaces and manoeuvring area are adequate, but we do need the double width.

Head of Refuse and Environment

- 6.8 I have no objection to this application in principle, subject to the following comments.

Waste & Recycling

- 6.9 The proposed development would have a maximum occupancy of 10 persons.
- 6.10 The proposed plans indicate 5 x 240L bins for the development but not which waste stream each bin will represent.
- 6.11 The councils domestic requirements for refuse and recycling per person are as follows:

Residual waste = 45-50L per person
Dry recycling = 50-55L per person
Organic waste = 20-30L per person, depending on garden size

This would require the following capacities and recommended waste receptacles:

Residual waste = 450-500L = 1x360L & 1x140L
Dry recycling = 500-550L = 1x360L & 1x140L
Organic waste = 200L = 1x240L

Housing Standards

- 6.12 A full set of kitchen facilities are to be provided in the rear ground floor kitchen in accordance with the HMO guidance.
- 6.13 The house will then be suitable for 10 persons in total.

- 6.14 The bedroom off the rear kitchen is to be fitted with a self-closing half hour fire door and to have a window which is suitable for means of escape.
- 6.15 The garden building has a prohibition order, limiting the numbers to a maximum of two when previously used as a self-contained flat. It will now be part of the HMO, sharing the kitchen. I have no objection to this in principal.

HMO guidance

- 6.16 These amenity provisions are the minimum requirement for all Houses in Multiple Occupation, whether the building requires a mandatory licence or not. The level of amenity provision depends on the number of occupiers sharing the accommodation and the type of accommodation e.g shared house or bedsit accommodation. The facilities should be located not more than one floor distant from the people who use them, (unless there is a shared or common dining area available) and they should be in a convenient position to enable occupiers to use them comfortably.
- 6.17 Kitchen or kitchen diner facilities must be positioned so as to ensure they can be safely used. For example the cooker must not be located adjacent to or behind the kitchen door, the work surface must be not be chipped or pitted and the floor must be laid and maintained to prevent slips, trips and falls. Guidance for landlords and property related professionals has been published and is available via the weblink on the Housing Health & Safety Rating System page on the Chartered Institute of Environmental Health website http://www.cieh.org/policy/housing_HS_rating.html

Cooking facilities

- 6.18 The level of cooking facility largely depends on whether the occupiers have exclusive or shared use of facilities. No shared kitchen may have any more than 2 sets of facilities to be shared by a maximum of 10 sharers.
- 6.19 Further guidance is provided on the amount of kitchen, bathroom and toilet facilities required.

6.20 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 address has made representations:

- 589 Newmarket Road

7.2 The representations can be summarised as follows:

- This area, although having a reasonably high number of rental properties, does not have any high multiple occupancy dwellings as proposed and this would be out of keeping for the area. The house has been used for a number of years, by more than one owner, as rented accommodation and has regularly contravened the C3 limitations of 6 persons. Much emphasis has been put on the use of this property for Anglia Ruskin students yet there are no checks that it will be used for students and at present although there are some students in residence it is certainly not all students. Hence I feel that this aspect should not be used to support the planning application.
- The proposed intent is to utilise the kitchen in the main house and that of the separate bedsit (originally a garage) which is adjacent to my property. Although I can find no documentation on the planning portal my recollections of the change for the garage was as a granny annex and implied single occupancy. This building is literally within a few inches of my bedroom accommodation and we do hear noise from the kitchen use at present by the sole occupant but it is at an acceptable level. We have serious concerns of the use of this kitchen/dining area for up to 5 students and the noise that will create. Groups of young people together are not known for being either quiet or keeping sociable hours. In addition to the noise issue I am surprised that a shower and toilet facility can be accepted inside a multiple use kitchen area with only one door separating. As a practical and acceptable situation for the person occupying the garage room it seems unreasonable.
- The bin storage area now seems acceptable and a great improvement over the current situation where they are left

outside of our lounge windows. The bicycle racks also seem reasonable providing they do not encroach onto our property and bicycles are not left against our wall. Our property footings extend some 12-14 beyond our wall. I do wonder, however, whether it is possible to move the bins past the bicycles for collection day. Car parking is still an issue at times and certainly overflow onto the road side verges is not uncommon. The parking area is restrictive for turning unless empty and we have already had our adjoining fence knocked down due to cars reversing into it. As we believe the accommodation will not be used solely for student use, supported by current and previous usage, then the limitation to three cars, whilst practicable from a turning aspect, will create parking issues outside of the property boundaries.

- Feel increasing the number of tenants in the house will impact on us in terms of noise and increase the parking issues already experienced. A HMO would also be out of keeping with the current area. It would also seem that there are too many people in the house for the facilities and space available and I would request that the HMO aspects are rejected.

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 Policy 5/7 Supported Housing/House in Multiple Occupation states that 'the development of supported housing and the

development of properties for multiple occupation will be permitted subject to:

- a) The potential impact on the residential amenity of the local area;
- b) The suitability of the building or site; and
- c) The proximity of bus stops and pedestrian and cycle routes, shops and other local services.

The loss of existing supported housing will only be permitted where there is surplus to the requirements of the existing operator and there is no demand from another operator of supported housing in that location.'

8.3 Therefore the principle of a House of Multiple Occupation (HMO) is acceptable at this address providing it can comply with the requirements of policy 5/7 of the Local Plan (2006). The following sections will consider the impact on residential amenity, the suitability of the building and site and its proximity to services.

8.4 In my opinion, the principle of a HMO at this address is acceptable and in accordance with policy 5/7.

Context of site, design and external spaces

8.5 The planning application is for the change of use of the existing house at this address for use as a large HMO. Therefore the majority of the changes are internal.

8.6 The proposal does involves installing a gate and fence at the side of the property to enclose the proposed Sheffield hoop cycle stands and bin and refuse storage area. Details of the fence and gate have not been provided. I therefore consider that if planning permission is to be granted, a condition should be attached for details of the boundary treatment. This would ensure the gate and fence complements the site and surrounding area in terms of its scale and appearance.

8.7 Bollards are to be installed in the car parking area at the front of the property. I consider details of the bollards should be provided to ensure they are acceptable in terms of their scale and appearance as they are located in a prominent location at the front of the property.

- 8.8 The property is located on Newmarket Road. This is served by frequent bus services into the city and there are retail parks and supermarkets close by along this road. I consider the site is well located for access to services in Cambridge City Centre and nearby.
- 8.9 In my opinion the proposal complies with the Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/11.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.10 The covering letter submitted as part of the planning application, explained that planning permission was granted for a Guest House (reference 08/0672/FUL) was not implemented. The guest house provided 6 guest rooms and two private bedrooms.
- 8.11 Both a guest house and a HMO would intensify the use of a property that was previously used as a single family dwelling house. There is a ground floor flank window on the bungalow at No.No.589 Newmarket Road. The window on No.591 Newmarket Road nearest this neighbour's flank window is used as a kitchen/dining room, which would have a similar level of use as a breakfast room, which was approved planning permission for the Guest House. I consider there would be no unreasonable loss of privacy to this neighbour.
- 8.12 No.593 Newmarket Road is a bungalow and there is a solid wooden boundary fence separating the two properties. I therefore consider the change of use to a HMO would not harm the privacy of this neighbour.
- 8.13 I consider the nature of the change of use would not lead to a loss of outlook or light to neighbouring properties providing appropriate safeguarding conditions are included, if planning permission were granted. The conditions recommended would ensure the new boundary fence and bollards are appropriate in terms of their appearance and scale.
- 8.14 The large HMO would intensify the use of the building. However, a guest house has been previously approved at this

address. I consider that there is likely to be an increase in noise associated with more people living at the address and using the outdoor bin and bicycle storage area but in my opinion it would not lead to an unreasonable level of noise disruption to neighbouring properties. I note a neighbour is concerned with the kitchen/dining room located at the rear of the house and potential noise disruption. The HMO has two kitchen/dining areas, which should disperse the number of people using these areas and therefore the level of noise generated. For this reason, I consider the level of noise generated in the kitchen/dining area would not be a detrimental to neighbours amenities.

- 8.15 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 and Cambridge Local Plan (2006) policies 3/4 and 3/7.

Amenity for future occupiers of the site

- 8.16 Environmental Health provided comments on the application. They have included details of housing standards and HMO guidance. I recommend this information is provided as an informative so the applicant is aware of the various standards required.
- 8.17 In my opinion the proposal provides an acceptable 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) policies 3/7.

Refuse Arrangements

- 8.18 The bin and recycling storage provision is shown on the proposed drawing. The proposed plans do not indicate which waste stream each bin will represent. I therefore recommend an informative to indicate the correct refuse and recycling bin provision for each waste stream.
- 8.19 A neighbour questioned whether bins can pass the bicycles on collection day. However, I consider there is space for the bins to pass the bicycle storage area.

- 8.20 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.21 Highways requested that because Newmarket Road is a busy arterial highway it is essential cars entering the site should be able to access the site independently, turning to enter and leave in forward gear, and that two cars can pass at the entrance.
- 8.22 The proposed site plan drawing shows sufficient space at the front of the property to allow vehicles to turn around before leaving the site. However, the entrance to the site has not been enlarged to allow two vehicles to pass as requested by Highways. However, the application for the Guest House (reference 08/0672/FUL) did not require the entrance to be extended. I consider that the combination of the proposed bollards to limit the amount of car parking and space provided for vehicles to turn around before exiting the site would help to avoid the scheme from adversely harming Highway safety. This should help to overcome some of the neighbour's concerns over the parking area being restrictive for turning.
- 8.23 The car parking standards are a maximum and therefore the provision of more car parking spaces on site to alleviate a neighbour's concerns over parking pressures outside of the site, is not consistent with the Local Plan (2006) car parking standards.
- 8.24 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.25 The supporting letter from Januarys dated 21st March 2014 refers to the HMO providing student accommodation. The objection letter explains there is a mixture of students and non-students living at the property. It appears that the property contains a mixture of occupiers. Proctorial control is in operation for student accommodation. However, as the property is likely to have non-students living there, the provision of two on-site car parking spaces is considered acceptable in this instance.

8.26 The secure cycle parking area provides Sheffield hoop stands to accommodate up to 10 bicycles. This meets the requirements in the Local Plan (2006).

8.27 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

9.0 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 development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

3. No development shall take place until full details of the bollards and boundary treatment have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

INFORMATIVE: The council's domestic requirements for refuse and recycling per person are as follows: Residual waste = 45-50L per person, Dry recycling = 50-55L per person and Organic waste = 20-30L per person, depending on garden size.

INFORMATIVE : A full set of kitchen facilities are to be provided in the rear ground floor kitchen in accordance with the House Multiple Occupation guidance. The bedroom off the rear kitchen is to be fitted with a self-closing half hour fire door and to have a window which is suitable for means of escape.

INFORMATIVE: These amenity provisions are the minimum requirement for all Houses in Multiple Occupation, whether the building requires a mandatory licence or not. The level of amenity provision depends on the number of occupiers sharing the accommodation and the type of accommodation e.g shared house or bedsit accommodation. The facilities should be located not more than one floor distant from the people who use them, (unless there is a shared or common dining area available) and they should be in a convenient position to enable occupiers to use them comfortably.

Kitchen or kitchen diner facilities must be positioned so as to ensure they can be safely used. For example the cooker must not be located adjacent to or behind the kitchen door, the work surface must not be chipped or pitted and the floor must be laid and maintained to prevent slips, trips and falls. Guidance for landlords and property related professionals has been published and is available via the weblink on the Housing Health & Safety Rating System page on the Chartered Institute of Environmental Health website http://www.cieh.org/policy/housing_HS_rating.html

INFORMATIVE: The level of cooking facility largely depends on whether the occupiers have exclusive or shared use of facilities. No shared kitchen may have any more than 2 sets of facilities to be shared by a maximum of 10 sharers

Shared cooking facilities

Where shared kitchens are provided, the following facilities can be used by up to 5 people:

A four ring gas or electric hob plus oven and grill (positioned so that the hobs are at worktop level).

A sink and integrated drainer with a tiled splashback and a constant supply of hot and cold running water for food preparation.

Adequate worktop with a minimum of 2000mm of linear useable worktop and the standard depth

of generally 600mm. NOTE: Please ignore 300mm on each side of the cooker and any

inaccessible corners as useable food preparation space.

A food storage unit of standard depth (300mm) and height (720mm) x 400mm width, or base unit

(not a sink unit) of equivalent volume (0.08m³) for each person.

At least 4 double plug socket outlets in addition to those servicing major appliances. (e.g.

microwave oven, refrigerator, washing machine etc)

Standard sized refrigerator providing sufficient space for the equivalent of approximately one shelf

per occupier (approximate volume 155 litres/ 0.15m³) Note: a mini fridge is not acceptable to

share.

A standard sized lidded bin.

Between 6-8 occupiers the following must be provided.

Two cookers each with a four ring gas or electric hob plus oven and grill or a single 4 ring hob

with an oven and grill, plus a combination microwave oven (positioned so that the hobs are at

worktop level.)

Two sinks with integrated drainers with a tiled splashback and a constant supply of hot and cold

running water for food preparation, or a single sink and a dishwasher.

An extra 500mm of worktop per occupier to a maximum of 3000mm.

A food storage unit of standard depth (300mm) and height (720mm) x 400mm width, or base unit

(not a sink unit) of equivalent volume (0.08m³) for each person.

At least 6 double plug socket outlets in addition to those servicing major appliances.

A large refrigerator or a standard sized fridge freezer.

A standard sized swing bin.

8-10 occupiers.

Two cookers each with a four ring gas or electric hob plus oven and grill. (positioned so that the

hobs are at worktop level.)

Two sinks and integrated drainer with a tiled splashback provided and a constant supply of hot

and cold running water for food preparation or one sink and a dishwasher.

Adequate worktop with a minimum of 3000mm long and the standard depth of generally 600mm.

(You must ignore 300mm on each side of the cooker as food preparation space this is too close to the cooker to be used safely.)

A food storage unit of standard depth (300mm) and height (720mm) x 400mm width, or base unit

(not a sink unit) of equivalent volume (0.08m³) for each person.

At least 6 double plug socket outlets in addition to those servicing major appliances.

Two standard sized refrigerators providing sufficient space for the equivalent of approximately

one shelf per occupier (approximate volume 155 litres/ 0.15m³)

Note: Mini fridges are not

acceptable to share.

Two standard sized lidded bins.

INFORMATIVE: All baths, showers, toilets and wash hand basins should be of an adequate size and be provided with a constant and adequate supply of hot and cold running water.

Baths, showers and wash hand basins must be properly sealed into wall surfaces and have 300mm of tiled splashback (or equivalent). The compartments should be of an adequate size and layout and have sufficient heating and ventilation or extraction provision to minimise the opportunities for the build up of condensation related black mould growth.

For four or fewer persons sharing facilities you must provide:

One standard length fixed bath or shower.

A single toilet with standard sized wash hand basin provided with a constant supply of hot and cold running water that may be located in the bathroom.

For five or more occupiers who share facilities there must be

One separate toilet with wash hand basin with appropriate splashback for every 5 sharing persons

At least one bathroom (which may also contain a toilet) with a fixed bath or shower for every five sharing occupiers

All bathroom & toilets must be suitable located in or in relation to the living accommodation.