

Application Number	15/0068/FUL	Agenda Item	
Date Received	11th February 2015	Officer	Mr Sav Patel
Target Date	8th April 2015		
Ward	Abbey		
Site	10 Coldhams Lane Cambridge Cambridgeshire CB1 3EP		
Proposal	Change of use of dwelling (use Class C3) to an eight bed house of multiple occupation (sui generis)		
Applicant	Mr Unai Ayo 10 Coldham Lane Cambridge Cambridgeshire CB13EP United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> • The proposed use would not have a detrimental impact on neighbouring properties subjecting to a condition limiting the occupation of the house to eight people and a management plan; • The proposed cycle and bin store would not have a detrimental visual impact; and • The proposed use would be located within a highly sustainable location.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site consists of an extended two storey semi-detached property that is located on the western side of Coldhams Lane, between the junctions of New Street and

Silverwood Close. The property has been extended at two storey level on the side, single storey at the rear and has a flat roof dormer in the rear roofscape which extends across the roofscape of the property.

- 1.2 The front boundary of the site facing Coldhams Lane is partially defined by a row of tall evergreen trees which restricts views of the two storey side extension from Coldhams Lane.
- 1.3 The area is predominantly residential to the south of Coldhams Lane and commercial/industrial to the north and east.
- 1.4 The site is not allocated within the Cambridge Local Plan (2006) and the site is not located within a conservation area.

2.0 THE PROPOSAL

- 2.1 The proposal is for the change of use of the existing property from dwelling (C3 use) to an eight bed (8 person) house in multiple occupation (Sui-Generis use). The proposal also seeks retrospective permission for the flat roof dormer window in the rear roofscape of the two storey side extension. The proposal also includes bin and cycle storage provision.

3.0 SITE HISTORY

Reference	Description	Outcome
C/96/0800	Two storey side extension to house (C3).	APPROVED
12/0273/CL2 PD	Application for a certificate of lawfulness under Section 192 for existing garage to be blocked up and a new window inserted, fenestration changes to rear elevation.	GRANTED
14/0013/FUL	Garage conversion to a bedroom and utility/kitchen area. Replace existing garage door with a new window and fenestration changes in side elevation.	APPROVED
14/1171/NM A	Single storey rear extension. Non material amendment on application 14/0013/FUL for the installation of a rear door	APPROVED

4.0 PUBLICITY

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

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/4 3/7 3/11 3/14 5/7

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management

	Design Guide Supplementary Planning Document (February 2012)
	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010) Roof Extensions Design Guide (2003)

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan are of relevance.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 Whilst the proposal is unlikely to result in any significant adverse impact on highway safety, the proposal may impose to additional parking demand upon on street parking.

Head of Refuse and Environment

6.2 No objection to the principle of development subject to condition on construction hours and informative on housing Health & Safety Rating System.

6.3 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:

- 168 New Street;
- 170 New Street*;
- 172 New Street*;
- 1 Silverwood Close*;
- 1a Silverwood Close*;
- 12 Coldhams Lane*

(*Representations received via a petition)

7.2 The representations can be summarised as follows:

- Concerned with the size of the proposed HMO and harmful impact on the area;
- The area is already diverse with hotels, other HMOs, and the New Street hostel and HSS hire plant, which cause late night disturbance.
- One car parking space is insufficient for eight residents;
- Concerned by the amount of work that has taken place which has been ongoing since July 2014 and raises concerns about future management.
- Impact on property value;
- Concerned by the size of the roof extension and loss of privacy;
- Concerned by the concentration of HMOs in this area and the condition of the HMOs.

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/Housing in Multiple Occupation) of the Cambridge Local Plan (2006) is relevant to test whether the principle of the proposed use is acceptable. Policy 5/7 states that 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

8.3 I set out below my assessment of the proposed use in accordance with the above policy criteria:

Impact on residential amenity

8.4 Whilst a significant amount of internal alterations have been carried out by the applicant, which is at their own risk, the dwelling was previously a four bed property let to students. The conversion loft and extension of the roof to create a flat roof dormer has added an extra two bedrooms. The roof extension within the original roofscape falls under permitted development rights as it is less than 40m³ and does not raise the ridge height. The section within the two storey side extension requires planning permission as it is not an extension to the original dwelling. In this case, the applicant is applying for retrospective consent. The applicant has been misinformed about whether the roof extension within the extension requires planning permission.

8.5 In my view, the proposed use of the dwelling as an eight bed HMO would not have a significant adverse impact on the residential amenity of the local area. The affects from the proposed use would not be materially different from that which

would occur if the dwelling was used as a C3 dwelling. A dwelling can be let to up to six people without the need for planning permission, and I have therefore assessed the impact of two additional people. In my opinion, the impact of these additional people in terms of noise and disturbance would not be significant and it is my view that the occupation of the house by eight people is acceptable. Some of the rooms may be large enough to accommodate two people, and it is possible that the house could be occupied by up to 16 people. As the surrounding area predominantly consists of family houses it is my view that such an intensive use of the property could have a significant detrimental impact on the amenity of neighbours. I therefore recommend that the occupancy of the house is limited to eight people by condition (3). The dwelling could be used as an eight bed dwellinghouse to serve a large family without planning permission. Therefore subject to the restrictive occupancy condition, the proposed use would not be materially different in terms of intensification of the use and noise and disturbance.

- 8.6 The proposal does not include any external alterations to the dwelling. The roof extension including the element within the extension has been completed. This has resulted in four windows within the roof extension. However, only the element within the roof extension required planning permission and this element has one window to serve a bedroom. I do not consider this additional window would cause significant loss of privacy of adjacent gardens over and above that which already would have existed. The applicant has agreed to obscure glaze the lower section of the windows that serve the lounge, utility and bedroom within the loft to a minimum height of 1.7 metres. The shower room would also be obscured glazed entirely. I have in view of the concerns raised recommended an obscure glazing condition (7) to the windows in the loft. This would address concerns regarding loss of privacy and overlooking.

Suitability of the building

- 8.7 In 2014 planning permission was granted to covert the garage and extend the rear with a single storey extension. This increased the number of rooms from 4 to 6. This did not include the loft extension which has resulted in two additional bedrooms. Having visited the site and walking around the property, I am satisfied that there is enough internal space to

accommodate the number of occupiers and provide sufficient communal provision such as dining, living room and washing facilities. The proposed layout would provide one bathroom for every two occupiers. The applicant is aware that separate licensing consent will be required from the Council's Residential Team.

- 8.8 In terms of outdoor space, the applicant has indicated the location for cycle and bin storage which is proposed to be close to the front boundary and behind a fence. No specific details have been provided for the type of enclosure and so I have recommended cycle and bin storage conditions (5 and 6 respectively) to ensure such details can be provided in accordance with the Cycle Parking Guide and Waste Design. There is also a rear and side garden area which would provide outdoor space for the occupiers. The existing brick outbuilding is proposed to be used to accommodate the washing and drying machines and there is enough space to hang clothes to dry in the garden area. The site is also located within 7 minute walking distance of Coldham Common which is a large area of open space. In view of this I am satisfied that the building and site is suitable enough to accommodate the proposed number of occupant without result cramping living environment and there is enough within the area of supplement this.

Proximity to public transport, shops and services

- 8.9 The site is considered to be located in a highly sustainable location in terms of proximity to public transport links. There is a bus stop directly in front of the site which provides services into the City Centre and wider areas. The railway station is an approximate 20 minute walk and 8 minute cycle ride. Therefore, in terms of access to public transport, the site is located in a sustainable location for this.
- 8.10 In terms of proximity to shops, the site is located a 5 minute walk from the Asda store in the Beehive Centre, which also has other shops and services. The site is also within similar walking distance to Cambridge Retail Park and Cheddars Lane industrial estate which also has a Tesco Extra. This site is also within 15 minute walk of the Grafton Centre which has a variety of shops and services within the centre and around it such as banks, dentist, chemist and post office. I am therefore satisfied that the site is highly accessible to shops and services.

8.11 In my opinion, the principle of the development is acceptable and in accordance with policy 5/7.

Context of site, design and external spaces

8.12 The proposal does not include any external alterations to the dwelling other than retrospective consent for the additional section of the dormer window above the two storey side extension. The roof dormer within the original dwelling falls within the parameters of permitted development and therefore this element cannot be controlled or assessed as part of this application.

8.13 The side elevation of the dormer would be visible from the Coldham's Lane and New Street junction. However, there are no other public location that dormer would be visible from. Some of the dwellings within New Street have extended into the roof with a flat roof dormer window. Therefore, given only the side elevation of the dormer would be visible from the public realm and there are other examples in this area, I do not consider the dormer would have a significant adverse impact on the character of the area. The built form of the area is characterised by a two storey post war housing with deep rear gardens and commercial buildings. Therefore on balance, I do not consider the scale of the dormer is significantly harmful enough to warrant refusal in this context.

8.14 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

8.15 I have addressed this issue in the above section. I do not consider the proposed use of the property as an 8 bed HMO would have a significant adverse impact over and above that which it could otherwise existing if the property was continued to be let to students. Nevertheless, the applicant has agreed to provide local residents with contact details in case of any disturbances from future tenants. The applicant advises that his intention is to improve the appearance of the site which has been run down and improve the standard of accommodation to

the benefit of the area. I have therefore recommended (condition 4) a management condition to ensure provisions are in place to ensure any disturbances are dealt with and mitigate at the earliest opportunity.

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

Amenity for future occupiers of the site

- 8.17 Future occupants would have access to suitable facilities within the property in terms of the number of bathrooms, communal areas inside and out and suitable bin and cycle storage (subject to agreeing the details). The property is also located within a highly accessible location in terms of public transport links and shops and services.

- 8.18 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7, 3/12.

Refuse Arrangements

- 8.19 There is enough space within the curtilage of the site to accommodate suitable refuse storage in an orderly manner. Currently bins are stored within the front garden area in an ad-hoc manner. This is unsightly and it is my view that it could be rectified if there was an appropriate plan in place. I have therefore recommended a waste condition to ensure dedicated refuse storage details are provided and agreed in accordance with the required of the Waste Officer and Waste Design Guide.

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

Car and Cycle Parking

Car Parking

- 8.21 The site has space in front of the dwelling to accommodate one

possibly two cars. Concerns have been raised regarding the potential accumulation of vehicles from the proposed use. However, given the highly sustainable location of the site the additional occupants would not place a materially significant strain on on-street parking spaces to warrant refusal of the application. I consider the existing arrangement to be acceptable.

Cycle parking

8.22 The applicant has proposed to provide 10 cycle parking space in a location adjacent to front boundary and behind a secure fence. I have recommended cycle parking condition (5) to secure the specific details for this.

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

Third Party Representations

8.24 I set out below my response to the third party representations received.

Representation	Response
Concerns with the size of the proposed HMO and impact on the area	Para 8.8
Late night disturbance	Para 8.5 and 8.15
Insufficient car parking	Para 8.21
Concerns with the amount of work	This work has been undertaken at the applicant's own risk. Most of the work except for the dormer over the side extension is either permitted development or internal alterations.
Impact on property value	This is not a material planning consideration.
Concerns with the size of the roof extension and loss of privacy	Para 8.4 and 8.6
Concerned by the concentration of HMOs in this area and condition of them.	Most of properties in the area are in private residential use. According the Licensing

	Register there are two HMOs in Coldhams Lane, one in New Street and 3 in Silverwood Close. This is not considered to be significant concentration of such uses in such an urban context.
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9.0 CONCLUSION

- 9.1 The proposed use of the dwelling as an eight bed (eight person) HMO is considered to be acceptable in this location and I do not consider it would have a significantly adverse impact on the residential amenity of the adjacent occupiers.
- 9.2 The retrospective roof dormer which is linked to the dormer within the original dwelling is not considered to be cause significant harm to the character of the area as there are other similar dormers nearby. The overall dormer would contain windows that the applicant has agreed to partially obscure glaze in order to mitigate overlooking from this level. I recommend that the application is approved subject to conditions.

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 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. The house shall be occupied by no more than eight people at any one time.

Reason: A more intensive use would need to be reassessed in interests of the amenity of neighbouring properties. (Cambridge Local Plan 2006, policy 3/7)

4. Prior to occupation as a sui generis House in Multiple Occupation a management plan shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include an arrangement for bringing the bins to the kerbside for collection and returning them to the store, contact details for residents to call in case of nuisance behaviour or emergency. The development shall be implemented in accordance with the approved details.

Reason: In the interests of residential amenity. (Cambridge Local Plan 2006, policy 5/7 and 3/7)

5. 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)

6. Prior to occupation, 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 a covered area and specific positions of where wheeled bins will be stationed. 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. Cambridge Local Plan 2006 policies 3/12 and 4/13

7. (The windows on the south-west elevation at second floor level shall be obscure glazed to a minimum height of 1.7 metres from internal finished floor level and with a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 3/4 and 3/12 or 3/14).

INFORMATIVE: The Housing Act 2004 introduces 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.

Each of the dwellings must be built 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 etc.

The applicant/agent is advised to contact Residential Team at Mandela House, 4 Regent Street, Cambridge concerning HMO Licensing, fire precautions, means of escape and the HHSRS.