

Application Number	15/1474/FUL	Agenda Item	
Date Received	26th August 2015	Officer	Mr Rob Parkinson
Target Date	21st October 2015		
Ward	Market		
Site	19 Newmarket Road Cambridge CB5 8EG		
Proposal	Retrospective change of use from a dwelling house (C3) to a house in multiple occupation for 8 persons (Sui Generis)		
Applicant	Mr John Popper 38 High Street Little Abington Cambridge Cambridgeshire CB21 6BG United Kingdom		

SUMMARY	The development accords with the Development Plan for the following reasons: 1. The proposed change of use is acceptable in principle 2. The proposal would not materially harm the character and appearance of the area 3. The change of use would not have a significant impact on neighbour amenity.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 No.19 Newmarket Road is a substantial mid-terrace three-storey and basement Victorian property located on the north side of Newmarket Road opposite Christ Church to the south, and within a terrace of four properties which extend to Auckland Road to the east. The site slopes downwards from the front (south) to rear (north). The site lies in a predominantly residential area; whilst there are similar dwellings to the east

and north, the Burleigh House former terrace houses to the west is an office, and west of that is a public house. The site is within the Central Conservation Area, but is not listed / locally listed, and is within Controlled Parking Zone B.

- 1.2 The main access to the property is via the ground floor front lobby door onto Newmarket Road, but access to the garden and basement floor is possible via the shared passageway adjacent to 15 Auckland Road. The property has basement level dining room and kitchen and three floors of accommodation above that, and comprises 8 bedrooms. The garden space includes a cycle shelter and space for bins.
- 1.3 The site has been in the ownership of the Windhorse Trust for several years, and until recently was used to house workers of the Windhorse Trading group. The property was previously used as shared accommodation for the Buddhist community, as a collective household, but as that business ended recently the Trust is looking to privately rent the premises.

2.1 **THE PROPOSAL**

- 2.2 The proposal seeks to change the use of the property from a single dwelling (C3 use class) to a House in Multiple Occupation (sui generis), and states their intention to provide for up to 8 people in the dwelling (in line with the Housing Department license). The application is retrospective in nature because since 2013 the property has been used by more than 6 people as a single household.
- 2.3 The applicant has already secured, or is in the process of obtaining, a housing department license for the site and wishes to regularise the use within the planning system. The changes to occupancy type will involve minor internal alterations to provide bedroom doorlocks, extra kitchens and refurbished bathrooms. There are no external changes.
- 2.4 The site has facilities for safe storage of cycles. There is a large bike shed in the shared rear garden with cycle racks, and the garden is accessed through an alley way with a coded lock. Appropriate bin storage is provided in the rear garden and are collected from Auckland Road.

- 2.5 The application is accompanied by a Design & Access Statement and emails regarding cycle and refuse storage.

3.0 SITE HISTORY

Reference	Description	Outcome
C/86/0056	Change of use from residential bed sitting accommodation to guest house (6 bedrooms).	Refused 26.02.1986
C/88/0875	Use of two rooms for the holding of meditation classes.	Approved 05.10.1988
It is relevant to note that an identical proposal is also pending consideration (at this same committee meeting) at the adjoining dwelling to the west, 17 Newmarket Road, in the same row of terraced properties, in the same ownership:		
15/1468/FUL	Retrospective change of use from a dwelling house (C3) to a house in multiple occupation for 8 persons (Sui Generis)	Pending consideration

4.0 PUBLICITY

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

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	3/1 3/4 3/7 3/11 4/13 5/1 5/2 5/7

	8/2 8/6 8/10
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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
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste Partnership (RECAO): Waste Management Design Guide Supplementary Planning Document (February 2012)
Material Considerations	<u>City Wide Guidance</u> Cycle Parking Guide for New Residential Developments (2010)

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 of relevance:

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways)

- 6.1 The proposal should have no significant impact on the public highway.
- 6.2 The residents of the new dwelling will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets.

Head of Refuse and Environment

- 6.3 The proposal is acceptable - no comments or recommended conditions.
- 6.4 Advisory note – the last HMO housing licence determined this site was appropriate for occupation by no more than 7 persons, but a new HMO license is under review.

Conservation and Design

- 6.5 There are no material Conservation issues with this proposal.
- 6.6 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 Two letters of representation have been received. The owners/occupiers of no. 21 and 23 Newmarket Road have objected to the application for the following reasons:
 - ☐ Past experience with HMOs in close proximity have resulted in problems with antisocial behaviour, particularly late night noise. Now that these houses are intended to be let on the open market we are concerned there will be an increase in the noise and disturbance often associated with HMOs.
 - ☐ There are already three H.M.O.'s along this part of Newmarket Road at number 25, 27 and 29, and this density

in such a small area completely redefines the community, and in addition another application (14/0773/FUL, for 16 units) is pending for the old Zebra pub.

- Pressure on the already overcrowded Resident Parking area could be considerable, as potential use (and misuse) of visitors permits by another forty residents could cause chaos in the narrow streets of the area.

7.2 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 of the Cambridge Local Plan (2006) states that 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.

8.3 Local shops and services are easily accessible from the site, whilst the site has good pedestrian and cycle linkages and is close to bus routes. The proposal therefore complies with part c) of Policy 5/7 of the Local Plan. Parts a) and b) are addressed in further detail in the following sections of this report.

Context of site, design and external spaces

- 8.4 The proposal involves no external alterations to the property or its curtilage and, as a result, the development does not have a significant adverse impact upon the character and appearance of the area.
- 8.5 In my opinion, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.6 The current proposal involves no further physical additions or alterations to the building. As such, the proposal would not have a harmful overlooking or overshadowing impact.
- 8.7 With regards to the issue of potential noise disturbance to surrounding residents, there is no car parking on the site and bin/cycle storage are provided to the rear of the building. Whilst there is likely to be some increased noise due to increased activity compared to the original use as a dwelling, 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 effects from the proposed use would not be materially different from that which would occur if the dwelling was used as a C3 dwelling for a large family, or as a C4 'small HMO' use by up to six occupiers which could be possible without planning permission.
- 8.8 In light of this, together with the fact that the site is located next to another HMO sited a corner plot next to commercial use to the west, and office parking area and gardens to the north, my opinion is that any increased noise would not be significant enough to materially impact neighbours in terms of intensification of the use and noise and disturbance, even though it is directly adjoining a conventional dwelling house (no. 21) to the east. However I have recommended a condition to restrict the maximum number of occupants to eight to mitigate concerns and avoid over intensification of the use.
- 8.9 In my opinion, the proposal would adequately respect the residential amenity of its neighbours and be compliant with

Cambridge Local Plan (2006) policies 3/4 and 3/7, and part a) of Policy 5/7.

Amenity for future occupiers of the site

- 8.10 There is some outdoor amenity space for the enjoyment of occupiers of the HMO at the rear. Whilst there may be more demands on the space for this HMO in comparison to a dwelling, the site is located in close proximity to substantial areas of public open space at Midsummer Common to the north along Auckland Road. The site is also in a sustainable location, close to services and facilities in the immediate area and within walking distance of nearby bus stops. In my opinion, the proposal therefore 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) policy 3/7 and part c) of policy 5/2.

Refuse Arrangements

- 8.11 An accessible refuse storage area is provided to the rear of the property, but further clarification of the bin storage capacity and management arrangements should be sought given the change in occupiers, which can be by condition to ensure the development complies with part b) of Policy 5/7 of the Cambridge Local Plan (2006).

Highway Safety

- 8.12 The Highways Authority has raised no specific objections to the highway safety implications of the development, although does note that the use has the potential to increase car parking demand above that expected for a single dwelling. However, this is a highly sustainable location where car parking is already restricted, and does not encourage further car use.

Car and Cycle Parking

- 8.13 There is no off-street parking provision for the HMO, but this is considered a highly accessible location served by frequent bus routes and an easy cycle or short walk to facilities and the city centre. In my opinion the location is suitable for car-free housing, whether as a conventional dwelling or a HMO.

- 8.14 The scheme has potential to increase car parking *demand* above that which would be anticipated from a single dwelling of this size, but the opportunity for the development to create an actual unacceptable impact in the controlled parking zone is very restricted. There will be no increase in residential permits issued, so the on-street parking situation during controlled hours would not change, and the impact from this scheme outside controlled hours is not unacceptable, nor different to that which could arise from non-residents or potential car ownership patterns from the existing use which has taken place for the last two years.
- 8.15 As such this proposal is unlikely to result in any significant adverse impact upon highway safety, which the NPPF is clear should not be a reason for refusal. Impact on amenity from parking is similarly not significantly detrimental.
- 8.16 Secure cycle storage for some cycles is provided within the rear garden of the property with access onto Auckland Road. The standards require the provision of 1 space per bedroom which equates to 8 spaces, so a condition will ensure the necessary spaces are available. There is also some additional visitor cycle parking provided in the front garden.
- 8.17 In my opinion, subject to the satisfactory confirmation of per-room residents cycle storage, the proposal will be compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.18 The comments raised by Nos. 21 and 23 Newmarket Road regarding the function and character of the area have been addressed within this report.
- 8.19 In respect of the concerns for the change to the character of uses and loss of family dwellings in the area, it is pertinent to note that whilst there are a number of HMOS in the area, particularly so given the sizes of these dwellings, the Local Plan policies 5/2 and 5/7 both allow the conversion of family units into HMOs, and the general development of HMOs, in locations where the functional relationship with surroundings is acceptable and the facilities for future residents area acceptable; there are no policy grounds for refusal on the loss

of family-sized / C3 type dwellings, and it is important to note the unit could always be reverted back to its former use (subject to permission) without noticeable detrimental effect. As detailed above, the amenities on neighbours and occupants are acceptable so the proposal should be considered favourably.

9.0 CONCLUSION

- 9.1 In conclusion, I consider that, subject to the satisfactory provision of refuse and cycle storage, the proposed development is acceptable and complies with the provisions of the relevant development plan policies. As such, approval is recommended. Given that some of the facilities are limited, e.g. outdoor space and room for bins and bikes, and the proximity of neighbours, and as there has been a successfully functioning 8-person HMO to date, and this number of occupants continues to be proposed by the applicant, it is recommended that a condition be added to limit the occupation to a maximum of 8 people (i.e. 1 person per room in the HMO).

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

1. 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.

2. 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, and securing an adequate level of cycle and refuse storage provision. (Cambridge Local Plan 2006, policy 3/7).

3. Within three months of the date of this permission, or prior to the first use of the HMO (whichever is the earliest), details of cycle storage shall be provided to and agreed in writing by the local planning authority, and shall be provided in accordance with the approved details within 28 days of such approval. The details shall demonstrate that secure and covered cycle storage for 8no. bicycles is provided in the rear garden for residents.

Reason: To ensure appropriate levels of cycle parking and accessibility (Cambridge Local Plan (2006) policies 8/4 and 8/6).

4. Within three months of the date of this permission, or prior to the first use of the HMO (whichever is the earliest), details of the appropriate provision of refuse storage for residents including waste for recycling, and a management plan thereof, shall be provided to and agreed in writing by the local planning authority, and shall be provided in accordance with the approved details within 28 days of such approval.

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).

INFORMATIVE: Permit parking

The applicant and occupants are advised that no additional residential parking permits will be issued to the property. Further details should be sought from the Local Highways Authority (Cambridgeshire County Council).

2. In the event the Planning Applications Committee considers this application should be refused, authority is requested to instruct the Head of Legal Services to serve enforcement notices under section 171 of the Town and Country Planning Act 1990 to remedy the breach of planning control.