

Application Number	15/2262/FUL	Agenda Item	
Date Received	7th December 2015	Officer	Lorraine Casey
Target Date	1st February 2016		
Ward	Queen Ediths		
Site	55 Spalding Way Cambridge Cambridgeshire CB1 8NP		
Proposal	Subdivision of existing property into two C4 dwellings with associated bin & cycle storage and boundary fencing.		
Applicant	Mr Stephane Lee Dukes Court 54-64 Newmarket Road Cambridge CB5 8DZ 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 proposal would not have a significant impact on neighbour amenity 4. Cycle and bin storage can be adequately accommodated on the site
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site comprises a two-storey end terrace brick and tile property. It is located on the south side of Spalding Way close to its junction with Godwin Way, within a residential area that is characterised by semi-detached and terraced dwellings. The property has a two-storey side extension and single-storey

conservatory to the rear. The majority of the front garden area is hard-surfaced and accommodates two off-street parking spaces, whilst bin storage is also provided to the front of the property.

- 1.2 The site lies outside any Conservation Area, and is not situated in either the Controlled Parking Zone or Air Quality Management Area.

2.0 THE PROPOSAL

- 2.1 The application proposes to subdivide the existing property to form two C4 use class dwellings (small houses of multiple occupation) with associated bin & cycle storage and boundary fencing.

- 2.2 The existing dwelling has 10 bedrooms. The property would be subdivided centrally to form two 5-bedroom HMO's. Each HMO would have its own garden defined by boundary fencing. A bike shed providing covered storage for 10 cycles would be provided adjacent to the rear boundary and would be directly accessible from each garden area. Bin storage for both properties would be provided adjacent to the western side boundary. The existing off-street parking would be removed (it was originally proposed to retain both existing off-street spaces) and replaced with soft landscaping and the boundary walls replaced with low-level brick walls.

- 2.3 The application has been amended to incorporate the following changes:

- ☐ Removal of off-street parking from the front of the property and replacement with soft landscaping.
- ☐ Bin storage set further into site and height of enclosure reduced from 1.6m to 1.1m.
- ☐ Internal ground floor layout of eastern property amended.

- 2.4 This amendment is currently out to consultation and Members will be updated on any further comments received either in the written update or verbally at Committee.

3.0 SITE HISTORY

Reference	Description	Outcome
12/0539/FUL	Change of use to 1 no. three bedroom dwelling & 1 no. two bedroom dwelling	Refused
10/0929/FUL	Change of use to 2 no. three bedroom dwellings	Refused
05/0702/FUL	Erection of 1 st floor side extension over existing	Approved
C/91/0357	Extension to dwelling (erection of single storey side extension)	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	3/1 3/4 3/7 3/10 3/11
Plan 2006		4/13
		5/1 5/2 5/7
		8/2 8/6 8/10

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)
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)

Initial comments

- 6.1 The new parking space is too short and would lead to cars overhanging the public highway. It should be a minimum of 5 metres in length. The proposal should be refused in its current form. This objection could be overcome by removing the short parking space and associated extension of the vehicle crossing. Whilst this would risk decanting parking onto the public highway, this would not have a significant adverse impact on highway safety.
- 6.2 The Highways Authority has been consulted on the amendment and any further comments will be reported to Members either in the written update or verbally at Committee.

Head of Refuse and Environment

- 6.3 No objections providing a condition is added to any consent to restrict construction hours. An informative is also recommended to advise the applicant of the Housing Standards that will need to be adhered to.
- 6.4 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

- 7.1 Councillor Taylor states that there could be up to ten unrelated people living on the site, and expresses concern that the application raises questions of neighbour amenity and road safety. The house is close to the junction and there are concerns that extra cars outside the property would make it difficult for children going to and from school.

7.2 The owners/occupies of the following addresses have made representations in respect of the scheme originally submitted: These local residents have been informed of the amendment and any further comments will be reported to Members.

- ☐ 42 Spalding Way
- ☐ 53 Spalding Way

7.3 The representations can be summarised as follows:

- ☐ Neither the off-street nor on-street parking is adequate for the likely number of occupants and will lead to increased parking on the road and verges.
- ☐ The two off-street parking spaces have previously been proven to be too small leading to vehicles overhanging the pavement.
- ☐ The on-street parking is not as abundant as described in the accompanying Design and Access Statement.
- ☐ The high density of occupancy is out of character in the locality and may create unacceptable levels of noise and disturbance to neighbours.

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 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 5/2 supports the conversion of large properties into additional dwellings recognising that conversion makes a useful contribution towards housing provision, providing proposals meet the various tests set out in the policy with regard to impact upon on-street parking, the standard of accommodation that would be provided and impact upon the residential amenity of neighbouring properties.
- 8.3 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.
- 8.4 There is no policy objection to the proposed conversion of existing properties to form further dwellings, or to the conversion of dwellings to form houses in multiple occupation. The issues set out in the aforementioned policies are discussed in further detail in the following sections of this report.

Context of site, design and external spaces

- 8.5 The proposal is for the conversion of the existing extended dwelling to form 2 small houses of multiple occupation (use class C4). No external alterations are proposed to the existing property other than a new door to the rear in order to provide direct access to the rear garden. In this regard, there would effectively be no material change to the overall appearance of the property.
- 8.6 As noted within the planning history section of this report, there have been two previous planning applications on this site that have sought to change the use of the property to two dwellings. Both applications were refused (in part) for the following reason:
- “The proposed sub-division of the existing dwelling and its plot together with associated requirements for car parking, cycle parking, refuse and recycling storage and amenity space, would

result in a development which would appear cramped and out of character with the surrounding area having a detrimental visual impact upon the character of the street scene....”

- 8.7 In the previous applications, it was proposed to locate the bin storage and cycle parking facilities for one of the properties and car parking for both properties (3 spaces) within the front garden area. This resulted in an extremely cluttered appearance at the front of the property that was considered to be visually intrusive in the street scene and harmful to the character of the area.
- 8.8 These problems have been addressed within the current application as a covered cycle storage for residents would be provided within the rear garden. Bin storage enclosed by low fencing and 3 additional visitor bike spaces would be sited adjacent to the western side boundary. The existing off-street parking would be removed and replaced with soft landscaping, and the frontage of the site would be defined by a low 600mm boundary wall. When compared to the previous schemes, the current proposal removes all visual clutter from the front of the site and, indeed, through the introduction of planting, enhances the appearance of the existing property.
- 8.9 In my opinion, the impact of the development upon the character of the area is acceptable, and the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 5/2.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.10 The owners of the neighbouring property to the west have expressed concern on the grounds that the increase in intensity of the use would result in unacceptable noise and disturbance to surrounding properties. In my opinion, the subdivision of the existing property to two C4 dwellings (each with a maximum of 5 occupants) is unlikely to give rise to a significant impact in this regard, and this is consistent with the stance taken by the Council in the consideration of the previous proposals to convert the existing house to two dwellings.

- 8.11 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, 3/7 and part a) of Policy 5/7.

Amenity for future occupiers of the site

- 8.12 The application originally proposed to provide two off-street car parking spaces to the front of the property. This was considered to give rise to unacceptable living conditions for occupiers of the front bedrooms. The scheme has been amended to remove all off-street parking from the site, thereby resolving these concerns.
- 8.13 The original layout also provided no internal access from the easternmost dwelling into its garden area without going through bedrooms. This would have resulted in the occupiers of this unit needing to use the passageway adjacent to the western boundary to access the rear garden and cycle storage area. This issue has been rectified in the amended drawings, by reducing the size of the front bedroom thereby enabling direct access through the kitchen and living room into the rear garden.
- 8.14 Each property would have a rear garden with a depth exceeding 15m, and space for covered cycle storage to the rear, and enclosed bin storage in an easily accessible location adjacent to the western boundary. The site is 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 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

- 8.15 A bin storage area, capable of accommodating six wheelie bins, would be provided adjacent to the side boundary and would be accessible from the main road. In my opinion, this complies with part b) of Policy 5/7 of the Cambridge Local Plan (2006).

Highway Safety

- 8.16 The Highways Authority initially recommended refusal as one of the proposed off-street parking spaces was too small, thereby resulting in vehicles overhanging the public highway. This objection has been addressed by removing all off-street parking from the front of the site. Whilst this revision may result in vehicles parking on the road, the Highways Authority has made it clear that a highway safety objection could not be substantiated on such grounds.

Car and Cycle Parking

- 8.17 The application, as amended, includes no off-street parking provision. The previously proposed two spaces have now been omitted from the scheme in order to address concerns raised by the Highways Authority and regarding the impact of such parking provision on the living conditions of future occupiers. Whilst this could result in vehicles parking on-street, it is important to note that there are no parking standards specifically relating to HMO's. Additionally, where standards are imposed, they are maximum rather than minimum requirements. Given these factors together with the fact that sufficient cycle parking would be provided, and the proximity of the site to local amenities and bus links, I consider the subdivision of the site to form two small HMO's without any off-street parking provision would be acceptable in this location.
- 8.18 A cycle store is proposed in the rear garden area. In accordance with the standards, this would accommodate ten spaces on the basis of one per bedroom.
- 8.19 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.20 The comments raised within the third party representations have been addressed within this report.

9.0 CONCLUSION

- 9.1 In conclusion, I consider that the proposed development is acceptable and approval is recommended.

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. No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2006 policy 4/13)

4. Each C4 property, hereby permitted, shall be occupied by no more than five people at any one time.

Reason: A more intensive use would need to be reassessed in the 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)

5. Prior to the bringing into use of the development, hereby permitted, the on-site waste and cycle storage facilities shall be provided in accordance with the details shown within drawing number 1211.P.01 Rev C. The facilities shall be retained in accordance with these details thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To ensure appropriate provision for the storage of bins and bicycles (Cambridge Local Plan 2006 policies 5/2, 5/7 and 8/6)

6. Prior to the bringing into use of the development, hereby permitted, the frontage of the site shall be landscaped and treated in accordance with the details shown within drawing number 1211.P.01 Rev C. The frontage of the site shall be retained in accordance with these details thereafter, and shall not be used to provide off-street parking spaces, unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To ensure the visual appearance of the development is acceptable, and to prevent the use of the frontage of the site for car parking with consequent detriment to the living conditions of future occupiers and highway safety (Cambridge Local Plan 2006 policies 3/7, 5/2 and 5/7)

INFORMATIVE:

The Housing Act 2004 introduced 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.

Further information may be found here: <https://www.cambridge.gov.uk/housing-health-and-safety-rating-system>. However, the applicant is advised to contact the Residential Team in Cambridge City Council's Environmental Health Department to discuss and obtain information on the current standards and Regulations for multiple occupancy.