

<b>Application Number</b>	17/1112/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	27th June 2017	<b>Officer</b>	Michael Hammond
<b>Target Date</b>	22nd August 2017		
<b>Ward</b>	Coleridge		
<b>Site</b>	34 Cherry Hinton Road Cambridge CB1 7AA		
<b>Proposal</b>	Proposed change of use from 14 bedroom large HMO (sui generis) to 15 bedroom student HMO (sui generis) with housekeepers flat. Rendering of side and rear elevations, increase in height of single-storey lean-to, alterations to fenestration and landscaping works		
<b>Applicant</b>	Mr David McEwan-Cox 13 Station Road CAMBRIDGE CB1 2JB		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"><li>- The proposed increase in number of occupants to 16 people would respect the amenity of neighbouring properties in terms of noise and disturbance from comings and goings.</li><li>- The proposed works would provide an acceptable standard of living for future occupants.</li><li>- Conditions have been recommended to control the use of the site to protect neighbour amenity.</li></ul>
RECOMMENDATION	APPROVAL

## **1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 The application site, No.34 Cherry Hinton Road, is comprised of a two-storey 14 bedroom house in multiple occupation (HMO) situated on the south side of the road. There is a rear yard area

and outbuilding at the rear of the site. There is a private access road which runs along the side (east) of the site. The surrounding area is predominantly residential in character and is formed of semi-detached and terraced properties. There are commercial and industrial uses opposite the site in the Clifton Court and Clifton Road areas.

1.2 There are no site constraints.

## **2.0 THE PROPOSAL**

2.1 The proposal seeks planning permission for the change of use of the property from a 14 person HMO to a 15 person HMO to be occupied by students of St Andrews College. A housekeepers flat is also included under the proposals which would take the total number of persons on-site up to 16 people. There are also alterations to the fenestration of the building, including the rendering of the side and rear elevations of the building. The height of the existing single-storey lean-to element is proposed to be increased by approximately 0.6m. Extensive landscaping works are proposed to the rear of the site, including cycle storage, bin storage and a car parking space. An accessible ramp is also proposed at the front of the site to provide disabled access.

2.2 Planning permission (15/0960/FUL) was granted under delegated powers on 7th August 2015 for the change of use of the property from a guest house (use class C1) to a large HMO. Condition no.3 of this permission stipulated that no more than 14 people could occupy the property at any one time.

2.3 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Management Plan
3. Drawings

## **3.0 SITE HISTORY**

3.1 The relevant planning history is as follows:

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
15/0960/FUL	Retrospective change of use of property from a Guest House (Use Class C1) to a large House in Multiple Occupation (Sui Generis)	Permitted.

#### **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 Plan 2006	Local	3/1 3/4 3/7 3/11 3/12 3/14 4/13 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 (Annex A)
Supplementary Planning	Sustainable Design and Construction (May 2007)

Guidance	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 that should be taken into account.

## 6.0 CONSULTATIONS

### **Cambridgeshire County Council (Highways Development Control)**

6.1 No objection subject to residents parking informative.

### **Environmental Health Team**

6.2 No objection, subject to construction hours condition and a housing health and safety rating system informative.

- 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:

32 Cherry Hinton Road	36 Cherry Hinton Road
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- 7.2 The representations can be summarised as follows:

- Noise disturbance from opening and the leaving open of the large fire exit doors on the rear of the building.
- The common room should be moved to another part of the house to overcome the noise concern.
- Noise from opening of side (west) windows.
- Overlooking/ loss of privacy.
- Potential conversion of rear garage into further accommodation or living space may cause noise disturbance.
- The increased height of the single-storey lean-to is reducing light to the passageway and study room window.
- The hedge between the building edge and boundary line will make it difficult for larger vehicles to access the private road.
- Light pollution from side windows.

- 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. Highway safety
5. Car and cycle parking

## 6. 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 (use)

- 8.4 At present, the site is capable of being occupied by 14 people as a HMO with no restrictions on the management or future users of the property. The proposal would increase the total number of people on-site up to 16 people, one of which would be as the housekeeper/ manager of the flat.
- 8.5 The site is proposed to be occupied for student accommodation in association with St Andrews College, a co-education independent sixth-form college which offers courses ranging from seven months to two years in length. The main teaching sites of this College are located on Station Road and Regent Street. The College also owns other HMOs around the city.
- 8.6 The proposed 15 student bedrooms are upwards of 10m<sup>2</sup> in size and all have en-suite bathrooms. On the ground-floor there would be a communal living/ dining/ kitchen area (33m<sup>2</sup>) for future occupants and there would also be a separate laundry room. The site, at present, has a large yard area to the rear which is over 135m<sup>2</sup> in size. The potential for 15 students to congregate in this space could have a harmful impact on neighbour amenity in terms of noise and disturbance, particularly during sensitive hours such as late in the evening. As a result, the management and layout of this external space

is critical to ensuring that the amenity of neighbours is respected from future users of this space. These aspects are assessed in the succeeding paragraphs of this report.

- 8.7 In terms of how the HMO will be managed, the applicant has submitted a robust management plan which already applies to the existing College properties across the City. Within this management plan is a hall of residence sanction point system. This dictates that students who reach 100 points will be automatically removed from the hall of residence. This point system ranges from 10 points for anti-social behaviour, up to 100 points for more serious offences (theft, violence, drugs etc). There are also strict curfews on noise on the site whereby after 23:00hrs music, congregation of groups and loud talking is not permissible. The house-warden would be on-site 24 hours a day and would be contactable by third parties and responsible for enforcing the rules of the College. Students would also not be allowed to smoke in the communal areas and loitering outside the front of the site is not allowed either. The applicant has also referenced another property which has been used as a 16 person student HMO for over 22 years with no complaints or incidents from its management. I have checked records from the Environmental Health Team and cannot find any records of complaints related to this other property.
- 8.8 The rear external area, although large in size, is not fully usable by future occupants of the HMO. There would be extensive landscaping along the boundary of No.32 to the west and there would also be other landscaping, bin storage and cycle parking which would prevent large groups of students from occupying this space simultaneously. The Coleridge Recreation Ground is within walking distance of the site which would provide an alternative form of outdoor amenity space for future occupants for group activities and informal sport if desired.
- 8.9 In my opinion, the student management plan that has been submitted is robust and would prevent harmful levels of noise (late night activities, anti-social behaviour etc) from occurring. A compliance condition has been recommended for this management plan to be implemented and retained thereafter. In addition, the layout of the landscaping plan would limit the number of people that could occupy this site and encourage students to use public amenity areas within close proximity. A hard and soft landscaping plan has been recommended to

control this. Conditions have also been recommended to ensure that the housekeepers flat remains in-situ and that no more than 16 people occupy the site.

- 8.10 One car parking space is proposed in the north-west corner of the rear external space which is presumably for the occupier of the housekeepers flat. Students at the College are not permitted to own cars. At present, the rear area is entirely gravelled and is capable of accommodating a large quantum of car parking. I consider the single car parking space would not adversely disturb neighbours by virtue of its position and the limited levels of comings and goings this would generate.
- 8.11 No.32 has raised a concern with the potential comings and goings from the kitchen/ dining area to the external amenity space due to the position of the door close to their boundary. I am of the opinion that the management plan and landscaping plan would limit the likely levels of comings and goings through this door into the garden area. The management plan includes strict curfew hours and rules on noise that would help prevent any harmful noise and disturbance being experienced at this neighbouring property.

#### Suitability of the building

- 8.12 The layout of the large student HMO is set out in paragraph 8.6 of this report. All of the habitable rooms would have acceptable outlooks and the communal spaces are considered sufficient for the level of development proposed. The site is located in a sustainable location with good cycle links and bus routes into the city centre and to the College facilities. A disabled ramp is proposed at the front of the building and the kitchen/ dining room is fully accessible. A cycle store is proposed which appears capable of accommodating the necessary number of cycle parking spaces in a secure environment. A condition is recommended for the full details of cycle parking to be provided prior to occupation of the rooms. Bin storage is provided at the rear of the site with a straightforward route out to Cherry Hinton Road on collection days.

#### Proximity to public transport, shops and services

- 8.13 There are shops and facilities along Cherry Hinton Road within walking distance and the large public open space of Coleridge



Recreation Ground is also within walking distance.

- 8.14 In my opinion the principle of development is acceptable and complies with Cambridge Local Plan (2006) policy 5/7.

### **Context of site, design and external spaces**

- 8.15 The proposed rendering of the side and rear elevations would be in keeping with the character of the area and is acceptable from a design perspective. The increase in the ridge height of the single-storey lean-to and other fenestration alterations would be relatively minor and would not have a significant impact on the external appearance of the building.
- 8.16 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12 and 3/14.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.17 The impact on neighbours from the proposed use of the outbuilding as a bedroom has been assessed in the 'Principle of Development' section of this report.
- 8.18 The proposed increase in the height of the single-storey lean-to element of the building from 3m to approximately 3.6m would not have a significant impact on the amenity of No.32 in my opinion. It would remain subservient to the overall building in scale and massing and would not directly overshadow or visually enclose this neighbour's habitable outlooks.
- 8.19 It is acknowledged that concerns have been raised from both neighbours regarding the overlooking that would be experienced from the proposed side first-floor windows. The application has since been amended to remove all windows from the side (west) elevation and change all of the windows on the other side (east) elevation to obscure glazed. In my opinion, subject to an obscure glazing condition, I am confident that no harmful loss of privacy would be experienced by either neighbour.
- 8.20 A concern has also been raised from No.32 regarding overlooking from the rear ground-floor kitchen/ dining room

door. I have visited both this neighbour and the position of the proposed door and I am of the view that no harmful loss of privacy would be experienced. The view from this door would not be substantially different from the existing rear windows and I consider the boundary fence prevents any harmful overlooking of this neighbour's garden.

- 8.21 In my opinion the proposal 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, 4/13 and 5/7.

### **Highway Safety**

- 8.22 The Highway Authority has raised no objection to the proposal on the grounds of highway safety.
- 8.23 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

- 8.24 Car parking has been assessed in paragraph 8.10 of this report.
- 8.25 Cycle parking has been assessed in paragraph 8.12 of this report.
- 8.26 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Third Party Representations**

- 8.27 The third party representations have been addressed in the table below:

<u>Comment</u>	<u>Response</u>
Noise disturbance from opening and the leaving open of the large fire exit doors on the rear of the building. The common room should be moved to another part of the house to overcome the noise	This has been addressed in paragraph 8.11 of this report.

concern.	
Noise from opening of side (west) windows. Light pollution from side (west) windows.	There are no longer any side (west) windows proposed.
Overlooking/ loss of privacy.	This has been addressed in paragraphs 8.19 and 8.20 of this report.
Potential conversion of rear garage into further accommodation or living space may cause noise disturbance.	No works to the garage are proposed under this application. The condition which limits the number of occupants to 16 people would prevent the change of use of this garage to accommodation without planning permission.
The increased height of the single-storey lean-to is reducing light to the passageway and study room window.	This has been addressed in paragraph 8.18 of this report.
The hedge between the building edge and boundary line will make it difficult for larger vehicles to access the private road.	The hedge is within the site boundary and does not encroach onto the private road. The maintenance and access of the private road is a civil/ legal matter.

## 9.0 CONCLUSION

- 9.1 The proposed increase of the student HMO from 14 people to 15 people, plus a housekeeper flat, would not result in adverse levels of noise and disturbance being experienced at neighbouring properties. Conditions restricting the number of occupants, management of the site and landscaping would help to mitigate any impacts to neighbours. The proposed use of the site as a large student HMO is considered acceptable and would provide an acceptable living environment for future occupants. 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. The property shall be occupied by no more than 16no. 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 policies 3/7 and 5/7).

5. The property shall operate for the approved use only in accordance with the documents titled; 'St Andrews and Select English Management Plan' uploaded to public access 27 June 2017, 'Student Rules And Guidelines For Halls Of Residence' uploaded to public access 8 August 2017 and 'Student - Hall of residence sanction point system' uploaded to public access 8 August 2017, or in accordance with alternative details that have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the residential amenity of neighbouring occupiers and future occupants (Cambridge Local Plan 2006 policy 5/7).

6. The housekeepers flat, as shown on drawing no. D.07 - Revision 03, shall be provided for the housekeeper only and retained thereafter for use by the warden unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the HMO is appropriately managed (Cambridge Local Plan 2006 Policies 3/7 and 5/7)

7. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved, and maintained in accordance with the approved details thereafter.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development for the benefit of future occupants and the amenity of neighbours. (Cambridge Local Plan 2006 policies 3/4, 3/7, 3/11 and 5/7)

8. No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.

Reason: To ensure that the landscaped areas and trees are maintained in a healthy condition in the interests of visual amenity and residential amenity. (Cambridge Local Plan 2006 policies 3/4, 3/7, 3/11 and 5/7)

9. The windows on the side (east) elevation, as shown on drawing number D.10 Revision 02, shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to occupation 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, 3/14 and 5/7).

10. Prior to occupation of the development hereby permitted, details of facilities for the covered, secure parking of bicycles for use in connection with the development 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., and shall be retained in accordance with the approved details thereafter.

Reason: To ensure appropriate provision for the secure storage of bicycles and in the interests of visual amenity (Cambridge Local Plan 2006 policies 3/7, 3/12, 5/7 and 8/6).

**INFORMATIVE:** To satisfy condition 7 (hard and soft landscaping) details shall include proposed means of enclosure; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting). Soft Landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

**INFORMATIVE:** 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.