

<b>Application Number</b>	18/0758/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	18th May 2018	<b>Officer</b>	Lewis Tomlinson
<b>Target Date</b>	13th July 2018		
<b>Ward</b>	Queen Ediths		
<b>Site</b>	57 Hartington Grove		
<b>Proposal</b>	Conversion of existing first floor and ground floor HMO (7 occupants) into 5 self-contained bedsits, a two storey rear extension and a side dormer.		
<b>Applicant</b>	Mrs Marukh Akhtar c/o agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The design and scale of the development would not have an adverse impact upon the surrounding area.</li> <li><input type="checkbox"/> The proposed development would not have any adverse impact on the residential amenity of adjoining neighbours and would provide acceptable living conditions for the future occupiers.</li> </ul>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 No.57 Hartington Grove is on the northern side of Hartington Grove and is a detached two storey dwelling. There is a right of way to west of the property to provide access to a garage for a neighbouring property. To the east of the property is the access gate to the rear garden of No.57. The surrounding area is predominantly residential and characterised by two storey properties of different design and built form. The site falls within the controlled parking zone.

- 1.2 The existing building comprises of two HMO's:
- Ground floor: 4 bed HMO
  - First Floor: 3 bed HMO

## 2.0 THE PROPOSAL

- 2.1 The proposal is for a change of use of the two existing HMO's to five 1 bed studio flats, a two storey rear extension and a side dormer. The proposal would retain the existing 3 car parking spaces and provide 6 cycle parking spaces.
- 2.2 A similar scheme was refused under planning application 14/0848/FUL and dismissed at appeal under reference (APP/Q0505/W/16/3150434). This application is a re-submission following the appeal decision. The appeal was dismissed for the following reasons:
- Storage of cycles/bin to the front of the property caused harm to the character and appearance of the area
  - Impact upon privacy/outlook of unit 3 as all windows face west onto the right of way
  - Sense of enclosure to unit 2 due to the hedge being less than 2m in depth
- 2.3 The application is accompanied by the following supporting information:
- Planning Statement
  - Drawings
- 2.4 Amended plans have been received which show the following revisions:
- Bin storage moved from access way to the rear garden
  - Gate to the rear garden widened from 0.8m to 1m
  - Proposed dormer serving unit 4 obscure glazed
  - Reduction from six to five units, to increase the internal size of the two first floor units.
  - Guttering has been amended to be within the boundary of the site

## 3.0 SITE HISTORY

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
13/1255/FUL	Conversion of existing property into 9 self-contained bedsits	Refused

14/0848/FUL Conversion of existing first floor and ground floor HMO (7 occupants) into 6 self-contained bedsits Refused/Appeal dismissed

#### 4.0 PUBLICITY

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

#### 5.0 POLICY

##### 5.1 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4 3/6 3/7 3/8 3/11 3/14 5/1 8/2 8/3 8/4 8/5 8/6 8/10
Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), (as amended by the Inspectors' Main Modifications). <i>Hereafter referred to as Cambridge Local Plan (2014).</i>	35, 50, 55, 56, 58, 82

##### 5.2 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework 2018 National Planning Policy Framework – Planning Practice Guidance March 2014
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	<p>Circular 11/95 (Annex A)</p> <p>Technical housing standards – nationally described space standard – published by Department of Communities and Local Government March 2015 (material consideration)</p>
Supplementary Planning Guidance	<p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p> <p>Planning Obligation Strategy (March 2010)</p>
Material Considerations	<p><u>City Wide Guidance</u></p> <p>Cycle Parking Guide for New Residential Developments (2010)</p>

### 5.3 Local Plan Inspectors' reports

On 3 September 2018, South Cambridgeshire District Council and Cambridge City Council published the Inspectors' Reports on the South Cambridgeshire Local Plan and Cambridge Local Plan. The Inspectors have concluded that both Local Plans are 'sound' subject to a number of modifications being made. The South Cambridgeshire Local Plan, taking account of the Inspectors' conclusions, will be recommended for adoption at a meeting of full Council on 27 September 2018. The Cambridge Local Plan, taking account of the Inspectors conclusions, will be recommended for adoption at a meeting of full Council on 18 October 2018.

Consistent with NPPF paragraph 48, the publication of the Inspectors' Reports increases substantially weight that can be attributed to the Local Plans in decision making. The examination process has now concluded. The Inspectors have

concluded that the Local Plans are sound (subject to the modifications which they have recommended) and, as such, there are no longer unresolved objections to the Local Plans. As such, substantial weight may now be attached to the policies of the Local Plans when making planning decisions.

The adopted development plan, in technical terms, remains the starting point for planning decision making. The Local Plans are however a material consideration to which substantial weight may now be attached.

Given the state of advancement of the Local Plans in the process toward adoption, it is considered that, generally, in the context of a planning decision, where there is a conflict between the outcome which arises from the application of policies of the adopted development plan and those of the Local Plans, the Local Plans will generally outweigh the adopted plan and will prevail. Where there is consistency, then the policies of the Local Plan add substantial weight in favour of the outcome which accords with the application of policies of the adopted development plans and those of the Local Plans.

## **6.0 CONSULTATIONS**

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

- 6.1 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. This should be brought to the attention of the applicant, and an appropriate informative added to any Permission that the Planning Authority is minded to issue with regard to this proposal.

### **Environmental Health**

- 6.2 No objection subject to a condition regarding construction hours.
- 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:

- 31 Rock Road
- 33 Rock Road
- 37 Rock Road
- 41 Rock Road
- 59 Hartington Grove
- 68 Hartington Grove

7.2 The representations can be summarised as follows:

- New first floor dormer window needs to be obscured glazed otherwise it would overlook Rock Road properties
- Local need for family accommodation not single units
- Insufficient parking and cycle parking – potential need for 7-12 car parking spaces
- Loss of green space
- Out of keeping with adjacent family Victorian and Edwardian homes
- No communal space
- The accommodation could be used for air B&B
- Loss of privacy even when obscured glazed windows could be opened.
- 1.7m planting insufficient height to protect privacy
- Noise and disturbance from occupants – day and night time from up to 12 occupants
- Noise and disturbance during construction, needs a construction management plan condition
- Overshadowing and overlooking of 59 Hartington Grove
- Inadequate and awkward cycle/bin storage
- Overdevelopment
- Poor level of amenity for future occupiers
- Occupancy rates – could be 12 occupants
- Object to extension to the north, ample space within current footprint for redevelopment
- Bedsits not suitable for students who require communal space for good health

7.3 A further representation has also been received from Camcycle:

- We object to application 18/0758/FUL under policy 8/6 of the 2006 Local Plan because the cycle parking area does not appear to meet the requirements laid out in Appendix D nor the Cycle Parking Guide for New Residential Developments.
- The indicated cycle shed measures only approximately 1.75m by 1.75m, which is insufficient to fit a single typical bicycle much less six. Furthermore the access door to the garden is only 0.8m wide, which is less than the needed 1.0m. In order to withdraw our objection the applicant must upload a revised version of the plans having a policy-compliant cycle parking area and an accessway that is at least 1.0m wide.

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 While the proposal would result in the loss of two HMO's, it would result in the provision of 5 new residential units. In my opinion, the principle of the development is therefore acceptable and in accordance with the NPPF and policy 5/1 of the Cambridge Local Plan (2006) and policy 1 of the Cambridge Local Plan (2014) subject to other material planning considerations discussed below.

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

- 8.3 The proposed side dormer on the west facing elevation serving unit 4 would be visible from the street scene but given the variety of designs and built forms within the immediate vicinity, it would not have an adverse impact upon the street scene in my opinion. The proposed two rear extension would not be visible from the street. Notwithstanding this, the ridge height of the proposed extension would be lower than the ridge height of the existing building, and therefore would appear subservient to the host building. The proposal would also incorporate materials to match the existing which would result in a coherent development.
- 8.4 The proposed two storey rear extension would replace an existing single storey rear extension. There would be sufficient room in the rear garden to house a bin/cycle store, the proposed private amenity space and some communal garden space. In consideration of the above points, the proposed development in my view would not be an overdevelopment of the site. The proposal would also result in the loss of a tree, but given that the tree is located to the rear of the garden and is not protected, I do not consider its loss would justify refusal of the application.
- 8.5 In my opinion the proposal is compliant with policies 3/4, 3/7, 3/11 & 3/12 of the Cambridge Local Plan (2006) and policies 55, 56, 57 of the Cambridge Local Plan (2014).

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

#### *59 Hartington Grove*

- 8.6 The proposed two storey rear extension would not result in a significant overbearing impact in my opinion, as the extension would be set off the boundary with No.59 Hartington Grove and would have an eaves height of 2.9m. I acknowledge that the proposal would result in a degree of loss of afternoon light to the rear garden of No.59 but given the orientation of the properties, I do not consider it to be significant to warrant a refusal of the application. The plans indicate that the proposed dormer window on the east facing elevation of the proposed



extension would be obscured glazed. A condition is recommended to ensure this would be obscured glazed and non-opening up to a minimum of 1.7m above the finished floor level to ensure the proposed window would not overlook No.59.

□ *Rock Road properties*

8.7 Both of the proposed dormers on the west facing elevation are indicated to be obscure glazed on the plans. A condition is recommended to ensure these would be obscured glazed and non-opening up to a minimum of 1.7m above the finished floor level to ensure the proposed windows would not overlook the adjacent Rock Road properties. There is an existing small rooflight, and the proposal would result in an addition of another rooflight adjacent to it. However given the size of these and the roof slope, I do not consider it would be necessary to require it to be obscure glazed. Given the distance between the proposed extension and the neighbouring properties on Rock Road, I consider the proposed extension would not have an adverse impact on their residential amenity.

□ *Wider area*

8.8 The Environmental Health Team has recommended a condition to control construction hours in order to protect the residential amenity of occupiers of properties in the wider area during construction. I accept this advice and have recommended the condition accordingly. The Inspector concluded in the appeal decision (APP/Q0505/W/16/3150434) that the 'proposed use of the rear amenity area and side access would not significantly materially change the current situation nor result in an unacceptable level of noise, disturbance and activity to the occupiers of the neighbouring properties'. I have considered the impact of additional demand for car parking spaces on residential amenity in the 'car parking' section below.

8.9 For these reasons, 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 policies 3/4, 3/7 and 4/13 of the Cambridge Local Plan (2006) and policies 35, 55 & 56 of the Cambridge Local Plan (2014).

## Amenity for future occupiers of the site

8.10 Policy 50 of Cambridge Local Plan (2014) sets out internal residential space standards. All the proposed units comply with the standards and two of the units exceed them. In comparison to application 14/0848/FUL, the internal size of the units has increased. In my opinion, the units would provide a high quality internal living environment for the future occupants. The floor space of the proposed units is presented in the table below against the requirements of policy 50.

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m <sup>2</sup> )	Proposed size of unit	Difference in size
1	1	1	1	37	37	0
2	1	1	1	37	37	0
3	1	1	1	37	38	+1
4	1	1	1	37	53	+16
5	1	1	1	37	58	+21

8.11 Unit 2 and Unit 3 both have a window on the rear elevation and direct access via door to the rear garden. However, as these units would face the communal space and cycle/bin storage, the application provides private rear amenity areas for each unit. Previously the private rear amenity area had a depth of less than 2m on 14/0848/FUL and the Inspector considered that it would result in a sense of enclosure for the future occupants. As the depth of the private amenity area has been increased to 3m with a height of 1.7m, I consider it would not result in a sense of enclosure and would protect the privacy of the occupiers of Units 2 & 3. Previously under 14/0848/FUL, unit 3 only had outlook onto the right of way but as unit 3 would now have outlook to the rear and access to a private amenity area, I consider that unit 3 would enjoy an acceptable level of amenity.

8.12 To protect the amenity of the future occupiers of unit 1, unit 2 and unit 3, a condition is recommended to ensure that the ground floor windows on both the west facing elevation and east facing elevation are obscure glazed. I consider this to be a reasonable approach as unit 1 would enjoy outlook from a window on the front elevation (this mimics the existing layout of the property), unit 2 and unit 3 would enjoy outlook from windows on the rear elevation.

- 8.13 The proposal would provide a shared amenity space to the rear of the site. However, units 2 & 3 are the only units that would have private amenity areas. Policy 50 of Cambridge Local Plan (2014) states that all new residential units will be expected to have direct access to an area of private amenity space. Within the supporting text of Policy 50 of Cambridge Local Plan (2014) it also states that new homes created through residential conversions should seek to meet or exceed the standards as far as it is practicable to do so.
- 8.14 It is to be noted that all the units are 1b studios. These 1b studios are likely to be occupied by individuals and not family units. The proposal is for the conversion of an existing building into 1 bed studios. The existing building is enclosed by residential properties and gardens. The introduction of balconies to the rear or side of the building would result in potential overlooking issues, and balconies to the front of the property would be out of keeping with the character of the surrounding properties. For the above reasons, it is my opinion that in this particular case it is not practicable to provide private amenity space for all 5 units.
- 8.15 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 policy 3/7 of the Cambridge Local Plan (2006) and policy 50 of the Cambridge Local Plan (2014).

### **Refuse Arrangements**

- 8.16 The bins would be located in the rear garden within a store. A condition is recommended requesting further details of this storage. In my opinion the proposal is compliant with policy 3/12 of the Cambridge Local Plan (2006) and policy 56 of the Cambridge Local Plan (2014).

### **Highway Safety**

- 8.17 The Highway Authority was consulted as part of the application and does not consider there would be any adverse impact upon highway safety but has informed that future occupants would not qualify for parking permits. This is dealt with in the below car parking section.

- 8.18 A neighbour has requested the submission of a construction management plan. The Highway Authority has not recommended the inclusion of a condition to secure this. As the application is of a small scale, with limited external changes such as alterations to windows and an extension to the rear, I do not consider it reasonable or necessary to impose a Construction Management Plan in this instance.
- 8.19 In my opinion the proposal is compliant with policy 8/2 of the Cambridge Local Plan (2006) and policy 82 of the Cambridge Local Plan (2014).

### **Car and Cycle Parking**

- 8.20 The Highway Authority has advised that the future residents of the proposed development will not qualify for Resident's Permits (other visit permits) within the existing Residents Parking Scheme operating on surrounding streets. I have recommended an informative to advise the applicant of this.
- 8.21 There is a driveway area to the front of the property which has enough room to accommodate parking for 3 cars. The Council has maximum parking standards outlined in Appendix C of the Cambridge Local Plan (2006) and Appendix L of the Cambridge Local Plan (2014). Cambridge City Council promotes lower levels of private parking particularly where good transport accessibility exists. This site is located in a particularly sustainable location just off Cherry Hinton Road Road. The site is also located with the Controlled Parking Zone. Cherry Hinton Road has many shops and services, and the city centre is within walking/cycling distance. For the reasons stated above, I therefore consider that a refusal based upon the lack of car parking would not be justified. The level of provision accords with our adopted standards.
- 8.22 6 cycle parking spaces are proposed for the flats. The cycle parking would be located to the rear of the development within a secure cycle store and has been indicated on the plans. This level of cycle parking would comply with policy. Camcycle objected to the application on the basis of the inadequate size of the cycle store and the access being only 0.8m instead of 1m. As there is enough room in the rear garden to accommodate the cycle storage, a condition is recommended to secure further details of the cycle parking. The applicant

amended the proposed block plan to widen the rear garden gate access to 1m to comply with the above.

8.23 In my opinion the proposal is compliant with policies 8/6 and 8/10 of the Cambridge Local Plan (2006) and policy 82 of the Cambridge Local Plan (2014).

### Third Party Representations

8.24 I have dealt with the substantive third party representations in the preceding paragraphs and those remaining issues are dealt with in the table below.

<b>Concern</b>	<b>Response</b>
Local need for family accommodation, not single units	There is no policy requirement for this.
The accommodation could be used for air B&B	This proposal is for residential units and not short term lets. It should be considered on this basis.
Student accommodation	This proposal is for residential units and not student accommodation. It should be considered on this basis.
Occupancy levels could be between 6 -12 people.	No limit can be placed on this type of proposed development. However, I do not consider the proposal would result in a significant intensification of the site that would result in harm to the neighbouring properties. The Inspector concluded on (APP/Q0505/W/16/3150434) that the additional noise and disturbance arising from the proposed use would not be significantly greater than the existing HMO.

## 9.0 CONCLUSION

- 9.1 I consider that the proposal has addressed the points raised in the appeal decision (APP/Q0505/W/16/3150434) as the bin/cycle store would be located in the rear garden, and the ground floor units have been re-configured. Therefore in conclusion the proposal as amended would have an acceptable impact on the amenity of the occupiers of adjoining properties and future occupants and no detrimental impacts are envisaged to the streetscene by the proposal.

## 10.0 RECOMMENDATION

**APPROVE** subject to 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 following windows shall be fitted with obscured glazing (meeting as a minimum Pilkington Standard level 3 in obscurity) and shall be non-opening unless the part of the window, door or opening is more than 1.7m above the finished floor level of the room in which it is installed. For the avoidance of doubt, these windows are:
  - The ground floor windows on the west facing elevation serving unit 3
  - The ground floor windows on the east facing elevation serving unit 1 and unit 2
  - The dormer window on the west facing elevation of the approved extension serving unit 6
  - The dormer window on the east facing elevation of the approved extension serving unit 6

- The proposed dormer on the west facing elevation serving unit 4

The development shall be retained as such thereafter.

Reason: In the interests of residential amenity (Cambridge Local Plan 2006 policies 3/4, 3/14 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, policies 55 and 58)

4. No development shall commence until details of facilities for the covered, secured parking of bicycles and facilities for the storage of bins in the rear garden of the site, for use in connection with the development hereby permitted have been 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 and appropriate storage of bins. (Cambridge Local Plan 2006 policies 3/4, 3/7 and 8/6 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, policies 55, 56 and 82)

5. No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800hours 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 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, policy 35)

**INFORMATIVE:** The residents of the approved development will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets.