

<b>Application Number</b>	19/0212/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	15th February 2019	<b>Officer</b>	Mairead O'Sullivan
<b>Target Date</b>	12th April 2019		
<b>Ward</b>	Abbey		
<b>Site</b>	Oakley Lodge 627 - 631 Newmarket Road		
<b>Proposal</b>	Change of Use from Hotel (C1 Use) to House In Multiple Occupation (HMO) (sui-generis).		
<b>Applicant</b>	College Street Properties c/o The Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"><li>- Without evidence to demonstrate the hotel has been unsuccessfully marketed for at least 12 months it is contrary to policy 78.</li></ul>
RECOMMENDATION	REFUSAL

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

- 1.1 The site lies on the north eastern side of Newmarket Road. This is a mixed use area with residential dwellings as well as a range of commercial uses within close proximity to the site. The site lies adjacent to the Barnwell Road Local Centre.
- 1.2 The application site appears to have originally been a pair of semi-detached dwellings and a detached dwelling which have been extended and linked. The building has gable ends with double storey bay windows on the front elevation and integral front porches as well as a lean-to roof single storey front extension which is the entrance to the hotel. The buildings have been rendered. There is a car parking area to the front of the property and further car parking to the rear. There is an L-shaped garden to the rear. The site is currently used as a 22 bedroom hotel (C1 use).

- 1.3 This part of Newmarket Road has a mixed character. Most of the buildings in this part of the road are set back from the street; some by approx. 10m others close to triple that. The former Grafton Hotel which is 4 doors down from the site was granted permission for change of use from hotel to large HMO in 2011 (11/1521/FUL).

## **2.0 THE PROPOSAL**

- 2.1 The application seeks full planning permission for a change of use from a C1 (Hotel use) to a large HMO (Sui Generis use). The application proposes to provide 20 bedrooms within the HMO; all of which are provided with en-suites. The rooms have been annotated to show number of proposed occupiers; 34 occupiers are the maximum proposed. There are communal living areas/kitchens proposed on the ground floor. 20 car parking spaces are proposed shared between the front and back of the site. The existing garden is shown to be retained and cycle parking is shown within the garden. A bin store is proposed to the front of the site. No physical changes are proposed to the external envelope of the building.
- 2.2 The applicant has provided additional financial information as part of the application process in order to demonstrate that the hotel use is not viable.

## **3.0 SITE HISTORY**

- 3.1 The application site has an extensive planning history. I have included the relevant history below.

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
C/90/0692	Change of use from hotel dining room and bedroom to restaurant (open to the members of the public) and erection of a ground floor extension.	Refused
C/89/0129	Extensions to hotel (erection of 2 no. single storey buildings to provide 14 no. additional guest bedrooms).	Refused
C/87/0164	Change of use from residential to	Approved

	guest house with parking facilities at the rear (amended by letter and drawings dated 09/04/87).	
C/85/0062	Erection of first-floor link to two adjoining guest houses to form one guest house (as amended by letter dated 13th may 1985 and accompanying drawing and letter	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 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Local Plan 2018		1 3
		31 32 35 36
		48
		55 56 59
		78
		81 82

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

Central Government Guidance	<p>National Planning Policy Framework 2019</p> <p>National Planning Policy Framework – Planning Practice Guidance from 3 March 2014 onwards</p> <p>Circular 11/95 (Annex A)</p>
<p>Previous Supplementary Planning Documents</p> <p>(These documents, prepared to support policies in the 2006 local plan are no longer SPDs, but are still material considerations.)</p>	<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>
Material Considerations	<p><u>City Wide Guidance</u></p> <p>Cambridge City Council Waste and Recycling Guide: For Developers.</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p>

## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Highways Development Management)

- 6.1 No objection: The proposal would have no significant adverse impact on highway safety should it be granted permission.

## **Environmental Health**

- 6.2 No objection: A construction hours condition and three informatives are requested.

## **Refuse and Recycling**

- 6.3 No objection: Recommend 1 x 1100 + 1 1 x 660 refuse bin and the same for recycling. 1 x 240 green bins for food waste is required. The bin store must have surface level access with dropped kerb and no gravel. Double doors with door hooks and no locks (unless it is a standards FB2 lock)
- 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 Camcycle has made a representation. The representations can be summarised as follows:
- The proposed cycle parking is neither covered nor secure and therefore contrary to policy 82.
- 7.2 Councillor Johnson has requested that the application be determined at planning committee. His comment can be summarised as follows:
- Concern from the applicant about non-determination of the application, citing Local Plan policies 48 and 46
  - Support applicant's concern about refusal under Local Plan policy 78.
- 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 The proposal results in the loss of visitor accommodation so policy 78 is relevant. This states that development which results in the loss of visitor accommodation will not be permitted unless it demonstrates that the use is no longer viable. It details that to do so the application must demonstrate that a) all reasonable efforts have been made to preserve the use but it has been proven economically unviable; and b) the property has been appropriately marketed for at least 12 months in order to confirm there is no interest in the site for visitor accommodation.
- 8.3 The applicant has provided financial statements for the year ended 31 July 2018 to demonstrate that the Hotel is operating at a loss. The applicant has confirmed that rooms are advertised on all of the main online booking sites but that over the past 9 months it has mainly been used by tradesman and contractors working locally who stay Monday to Thursday with very few bookings for leisure. The hotel has been closed on Sundays for the last 6 months due to low uptake. The applicant goes on to make the case that there the owner of the site owns HMOs in the area which have had over 90% occupancy levels over the past 12 months and notes the importance of HMO accommodation in providing affordable housing in Cambridge.
- 8.4 I note that the applicant has shown that the hotel is currently operating at a loss despite the rooms being advertised online and despite an initial investment from the owners on acquiring the hotel approximately 15 months prior to submitting the application. This information would satisfy criterion a of the policy, however policy 78 requires **both** criteria to be met to overcome the objection to the loss of visitor accommodation. Without evidence to demonstrate that the hotel has been unsuccessful marketed for at least 12 months, the proposal is considered contrary to policy 78 and thus the loss of the visitor accommodation is considered unacceptable in principle.

- 8.5 Policy 48 is also relevant as this relates to Houses in Multiple Occupation (HMOs). This states that proposal for large HMOs (Sui Generis use) will be supported where the proposal a) does not create an over-concentration of such uses in the area or harm the residential amenity or surrounding area, b) the building is suitable for use as a HMO, with appropriate refuse/recycling storage, car and cycle parking and drying areas; and c) will be accessible to sustainable transport links and local services. It then details that appropriate management arrangements should be in place to monitor and minimise adverse impacts on local residents.
- 8.6 There is another large HMO at the former Grafton Hotel which is in close proximity to the site. However, I do not consider that the proposal would result in an over-concentration of HMO uses in the area. If I were minded to recommend approval of the application, I would recommend a management plan condition. I will address criteria b and c of policy 48 under the relevant headings below.

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

- 8.7 No external changes are proposed to the building. I am satisfied that if I were minded to recommend approval of the application, an appropriately designed store for bin and bikes could be dealt with through condition. In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 48, 55, 56 and 59.

### **Residential Amenity**

#### Impact on amenity of neighbouring occupiers

- 8.8 No external changes are proposed to the building. The site is currently used as a hotel and I do not consider the change from hotel to HMO would give rise to any significant increase to noise and disturbance to surrounding occupiers, subject to a management plan condition.
- 8.9 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 (2018) policies 35, 48, 55 and 56.

### Amenity for future occupiers of the site

- 8.10 The Environmental Health team has reviewed the proposal and they have no objection. They note that there is insufficient detail submitted with the application regarding the amenity provision in the shared kitchens. This would be dealt with through any subsequent application for an HMO license. I am broadly satisfied that the proposal would provide an adequate level of amenity for future occupiers. If I were minded to recommend approval, I would recommend a hard and soft landscape condition to require defensible planting around some of the ground floor bedroom windows to protect the amenity of the future occupiers of these rooms. A large communal garden is shown and is considered adequate. Size of external amenity space: approx. 393sqm
- 8.11 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 (2018) policy 48.

### **Refuse Arrangements**

- 8.12 A bin store is shown to the front of the property. I am satisfied with the store in principle and were I minded to recommend approval then details of the store could be provided by condition.
- 8.13 In my opinion the proposal is compliant in this respect with Cambridge Local Plan (2018) policies 48 and 57.

### **Highway Safety**

- 8.14 The Highway Authority considers the proposal would have no significant adverse impact on highway safety were it granted permission. I share this view but this does not overcome my concerns expressed about the principle of development.
- 8.15 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 48 and 81.



## **Car and Cycle Parking**

- 8.16 Camcycle has objected to the application on the grounds that the cycle parking shown is not covered or secure. I am satisfied that were I minded to recommend approval of the application then suitable cycle parking details could be provided through condition.
- 8.17 The application proposes 20 off-street car parking spaces which equates to one space per bedroom. I consider this provision to be acceptable given the sustainable location of the site which is in close proximity to public transport and cycle links and adjacent to a Local Centre.
- 8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 48 and 82.

## **Third party representations**

- 8.19 The comments from Camycle have been addressed in the relevant section above.
- 8.20 The proposal has been assessed against policy 48 (housing in multiple occupation) in the body of this report. Policy 46 relates to development of student housing. The current application was submitted for HMO use and not for student accommodation. Therefore this policy is not relevant to the proposal.

## **9.0 CONCLUSION**

- 9.1 The applicant has failed to demonstrate that the existing C1 Hotel use is no longer viable through the submission of information demonstrating it has been unsuccessfully marketed for at least 12 months. As a result, the proposal is considered contrary to policy 78 of the Cambridge Local Plan.

## **10.0 RECOMMENDATION**

**REFUSE** for the following reason:

1. The proposal has not demonstrated that the property or site has been unsuccessfully marketed for visitor accommodation use for a period of at least 12 months. Without this information the applicant has failed to demonstrate that the loss of the visitor accommodation use is acceptable contrary to policy 78 of the Cambridge Local Plan (2018).