

Application Number	19/1409/FUL	Agenda Item	
Date Received	11th October 2019	Officer	Lewis Tomlinson
Target Date	6th December 2019		
Ward	East Chesterton		
Site	38 Pakenham Close		
Proposal	Retrospective application:- Change of use from 6 bedroom HMO (use Class C4) to 7 bedroom HMO (Sui generis)		
Applicant	Mr Graham Hughes C/O Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The proposed development would not have any significant adverse impact on the residential amenity of the neighbouring occupiers; - The proposed development would provide a high quality living environment for the future occupiers; - The proposed development would not result in a significant increase in overnight parking pressures on surrounding streets
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 38 Pakenham Close is a two-storey terraced dwelling on the north-western side of Pakenham Close, north-east of the city centre. Pakenham Close is a predominantly residential area characterised by two storey properties. The application site falls outside the conservation area and controlled parking zone and the site does not contain any TPOs.

2.0 THE PROPOSAL

2.1 The proposal seeks retrospective planning permission to change the use of the property from a 6 bed house of multiple occupation (HMO), use class C4 to a 7 bed HMO (Sui Generis). The proposal includes 1 car parking space and bins at the front of the property and cycle parking to the rear of the property.

2.2 The application is accompanied by the following supporting information:

1. Design and access statement
2. Drawings

3.0 SITE HISTORY

3.1 None relevant.

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	1, 3
Plan 2018		28, 35
		48, 50, 55, 56, 57, 59
		81, 82

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

<p>Central Government Guidance</p>	<p>National Planning Policy Framework 2019</p> <p>Planning Practice Guidance 2019</p> <p>Technical housing standards – nationally described space standard – published by Department of Communities and Local Government March 2015 (material consideration)</p>
<p>Supplementary Planning Guidance</p>	<p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste</p> <p>Cambridgeshire Design Guide For Streets and Public Realm (2007)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p>

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Control)

- 6.1 No Objection: Advises that the streets in the vicinity provide uncontrolled parking, and so, as there is no effective means to prevent residents from owning a car and seeking to keep it on the local streets this demand is likely to appear on-street in competition with existing residential uses. The development may therefore impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity which the Planning Authority may wish to consider when assessing this application

Environmental Health team

- 6.2 No Objection: Confirm that the property was licenced by Environmental Health on 18th September 2019 and achieves the required standards for a HMO occupied by up to 7-persons. No recommended conditions / objections to make regarding this application.
- 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:

- 3 Pakenham Close
- 6 Pakenham Close
- 10 Pakenham Close
- 19 Pakenham Close
- 23 Pakenham Close
- 37 Pakenham Close
- 39 Pakenham Close
- 40 Pakenham Close

- 7.2 The representations can be summarised as follows:

- Overdevelopment of a small terraced property
- Inadequate amount of car parking
- Increase parking stress on nearby streets
- Noise and disturbance from the HMO
- The front garden along with a tree was replaced by a gravel driveway
- Turns the property into Airbnb/mini hotel
- Out of keeping with surrounding properties
- Inflation of housing costs, application is for profit, precedent

- 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

Principle of development

- 8.1 Policy 48 states that proposals for large houses in multiple occupation (sui generis) will be supported, where the proposal:
- a) does not create an over-concentration of such a use in the local area, or cause harm to residential amenity or the surrounding area;
 - b) the building or site (including any outbuildings) is suitable for use as housing in multiple occupation, with provision made, for example, for appropriate refuse and recycling storage, cycle and car parking and drying areas; and
 - c) will be accessible to sustainable modes of transport, shops and other local services.
- 8.2 The proposal adheres to the above criteria and this will be discussed in the proceeding paragraphs of the report.

Context of site, design and external spaces

- 8.3 No external changes are proposed as part of the application. The site benefits from being located in a sustainable location just off Milton Road, within walking distance to local amenities and a bus stop providing access to the city centre, railway station and various other services within the bounds of the city. The road network surrounding the site and connecting the site to the city centre are also cyclist friendly creating a choice of transport modes to access a wide range of amenities. The bins are sited in the front garden. This appears to be a common feature for properties along this street. The proposal is compliant with Cambridge Local Plan (2018) policies 48, 55 and 56.

Residential Amenity

Impact on amenity of neighbouring occupiers / future occupiers

- 8.4 The application site is a terraced property with a reasonable sized garden to the rear. Under permitted development, the property can operate within use class C4 (small size HMO),

which allows accommodation for up to 6 individuals without the need for planning permission. This application seeks planning permission for a 7 person HMO. Given the fallback position afforded to the applicants under their permitted development rights, it is reasonable to assess the application on the basis of the impact of one additional person.

- 8.5 All of the proposed bedrooms are of a size which exceed the National Internal Space Standards for a single bed-space and these bedrooms are served by large windows with an attractive outlook. Five of the bedrooms would have en-suite bathrooms with the other two bedrooms sharing a bathroom. The proposal would provide a large kitchen/breakfast room. The gross internal floor space measurements for units in this application are shown in the table below:

Bedroom	Number of bed spaces (persons)	Policy Size requirement (m²)	Proposed size of bedroom	Difference in size
1	1	7.5	9.6	+2.1
2	1	7.5	12	+4.5
3	1	7.5	9.2	+1.7
4	1	7.5	9.4	+1.9
5	1	7.5	8.7	+1.2
6	1	7.5	9.6	+2.1
7	1	7.5	13	+5.5

- 8.6 Given the acceptable size of the bedrooms and the large garden area, the overall amenity provided for occupiers is acceptable. Whilst comings and goings may have increased by virtue of the change of use, this is only a minimal increase and could not amount to a reason for refusal. The use of the property remains residential and this is compatible with other residential uses such as family housing in the area. The proposed use is neither more nor less likely to create noise and disturbance to surrounding residents than other residential uses; it is a question of who is in occupation and how well the property is managed. The Council acting as the local planning authority cannot control who occupies the building and for what length of time, but there are means to report nuisance through

the Council's Environmental Health team as necessary and for action to be taken as appropriate. A condition restricting the occupancy of the property to 7 persons is recommended.

- 8.7 As the proposal does not include any expansion in built form, the proposal does not result in an overbearing, overshadowing or overlooking impact to neighbouring occupiers.
- 8.8 The proposal adequately respects the residential amenity of its neighbours and provides an acceptable living environment for its occupiers and is compliant with Cambridge Local Plan (2018) policies 35, 48 and 56.

Car and Cycle Parking

Car parking

- 8.9 The Highway Authority has highlighted that there may be increased parking competition in the surrounding uncontrolled residential streets. Neighbours have also raised concern about increased parking pressures. The proposal includes one car parking space to front of the property. From the officer site visit, it is noted that most properties along this street within the vicinity of the application site have their own private car parking bays in front of their houses similar to the application site and this arrangement is not altered by the proposal.
- 8.10 As outlined above, the property is located within a sustainable location. The site benefits from being located just off Milton Road, within walking distance to local amenities and a bus stop providing access to the city centre, railway station and various other services within the bounds of the city. The road network surrounding the site and connecting the site to the city centre is also cyclist friendly creating a choice of transport modes to access a wide range of amenities. It is to be noted that the proposal would mean an increase in the number of occupants by one compared to the permitted development fallback of a small HMO and adequate cycle parking would also be required to be provided by condition. In consideration of all these points, it is considered that the proposal would not result in a significant increased pressure on existing on street car parking capacity that would warrant a refusal of the application.

Cycle parking

- 8.11 The proposed cycle storage would be provided to the rear. A condition is recommended requesting further details of this. The proposal is compliant with Cambridge Local Plan (2018) policy 82.

Third Party Representations

- 8.12 The majority of third party comments are addressed in the preceding paragraphs. Neighbours have also raised concerns about the removal of a tree in the front garden being changed to a driveway. This does not form part of the application and appears to have been carried prior to the submission of the application.
- 8.13 Third parties have also raised concerns regarding the property being changed into an Airbnb / mini hotel. These uses are not what is being applied for and separate permission would be needed for these.
- 8.14 Matters of profit and inflation of housing costs are not material planning considerations. Issues of precedent have also been raised, but each application is assessed on its own merits and this is not a reason to refuse the proposal.
- 8.15 Third party representations have referenced the use of the front of the property for the parking of two vehicles and the loss of the garage when the house was originally occupied as a 4-bedroom dwelling. All such changes and uses were within the permitted development rights of the applicants and have been beyond the control of the local planning authority. If parking on the roadway creates blockages impacting on emergency services vehicles, this is a matter for the police to address and / or residents to instigate the implementation of a controlled parking zone. This appears to be an existing problem.

9.0 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 property within the site edged red, known as 38 Pakenham Close Cambridge CB4 1PW, shall be occupied by no more than 7 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 2018 policies 56 and 48).

3. Within three months of the date of this permission details of facilities for the covered, secured parking of bicycles in the rear garden, for use in connection with the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The cycle facilities shall be provided in accordance with the approved details and retained as such thereafter within 4 months of the date of this permission.

Reason: To ensure appropriate provision for the secure storage of bicycles and appropriate storage of bins. (Cambridge Local Plan 2018 policies 48, 55, 56, and 82)