

Application Number	11/0066/FUL	Agenda Item	
Date Received	4th February 2011	Officer	Mr John Evans
Target Date	1st April 2011		
Ward	Romsey		
Site	1 Hemingford Road Cambridge Cambridgeshire CB1 3BY		
Proposal	Retrospective application for the change of use from domestic dwelling C3 to HMO (House in Multiple Occupation) (sui generis).		
Applicant	Ms Nalisha Patel 35 Collier Road Cambridge CB1 2AH		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is situated on the west side of Hemingford Road.
- 1.2 Hemingford Road is residential in character containing largely terraced two-storey dwellings. On the eastern side of Hemingford Road and roughly opposite the subject dwelling lies the Romsey Community Centre.
- 1.3 The site has parking restrictions through double yellow lines, although there are car parking bays on either side of Hemingford Road, which is a one way street.
- 1.4 The site falls within the Central Conservation Area.

2.0 THE PROPOSAL

- 2.1 This application seeks consent for retrospective change of use from a domestic dwelling (Use Class C3) to a House of Multiple Occupation (HMO, Sui Generis Use).
- 2.2 The property is a licensed HMO for 7 sharers by Housing Standards. There are 5 bedrooms in the property, with 2 of the rooms accommodating 2 sharers each.

- 2.3 There are no external alterations proposed as part of this application.
- 2.4 There are 2 concurrent applications to extend the house of multiple occupation, which this application for change of use seeks to regularise.

3.0 SITE HISTORY

Reference	Description	Outcome
09/1096/FUL	Single storey rear extension.	Refused
10/0210/FUL	Single storey rear extension.	Approved

Applications currently under determination

Reference	Description	Outcome
10/1030/FUL	Proposed single storey rear extension.	Under determination
11/0201/FUL	Annexe extension to provide 2 bedrooms, a studio and shower room with a link to the existing building.	Under determination
11/0066/FUL	Retrospective application for the change of use from domestic dwelling C3 to HMO (House in Multiple Occupation) (sui generis).	Under determination

4.0 PUBLICITY

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

5.0 POLICY

5.1 Central Government Advice

- 5.2 **Planning Policy Statement 1: Delivering Sustainable Development (2005):** Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide

the framework for planning for sustainable development and for development to be managed effectively. This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

- 5.3 **Planning Policy Statement 3: Housing (2006):** Sets out to deliver housing which is: of high quality and is well designed; that provides a mix of housing, both market and affordable, particularly in terms of tenure and price; supports a wide variety of households in all areas; sufficient in quantity taking into account need and demand and which improves choice; sustainable in terms of location and which offers a good range of community facilities with good access to jobs, services and infrastructure; efficient and effective in the use of land, including the re-use of previously developed land, where appropriate. The statement promotes housing policies that are based on Strategic Housing Market Assessments that should inform the affordable housing % target, including the size and type of affordable housing required, and the likely profile of household types requiring market housing, including families with children, single persons and couples. The guidance states that LPA's may wish to set out a range of densities across the plan area rather than one broad density range. 30 dwellings per hectare is set out as an indicative minimum. Paragraph 50 states that the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. Applicants are encouraged to demonstrate a positive approach to renewable energy and sustainable development.
- 5.4 **Planning Policy Statement 3: Housing** has been reissued with the following changes: the definition of previously developed land now excludes private residential gardens to prevent developers putting new houses on the brownfield sites and the specified minimum density of 30 dwellings per hectare on new housing developments has been removed. The changes are to reduce overcrowding, retain residential green areas and put planning permission powers back into the hands of local authorities. (June 2010)

- 5.5 **Planning Policy Statement 5: Planning for the Historic Environment (2010):** sets out the government's planning policies on the conservation of the historic environment. Those parts of the historic environment that have significance because of their historic, archaeological, architectural or artistic interest are called heritage assets. The statement covers heritage assets that are designated including Site, Scheduled Monuments, Listed Buildings, Registered Parks and Gardens and Conservation Areas and those that are not designated but which are of heritage interest and are thus a material planning consideration. The policy guidance includes an overarching policy relating to heritage assets and climate change and also sets out plan-making policies and development management policies. The plan-making policies relate to maintaining an evidence base for plan making, setting out a positive, proactive strategy for the conservation and enjoyment of the historic environment, Article 4 directions to restrict permitted development and monitoring. The development management policies address information requirements for applications for consent affecting heritage assets, policy principles guiding determination of applications, including that previously unidentified heritage assets should be identified at the pre-application stage, the presumption in favour of the conservation of designated heritage assets, affect on the setting of a heritage asset, enabling development and recording of information.
- 5.6 **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
- 5.7 **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.
- 5.8 **East of England Plan 2008**
ENV6: The Historic Environment
ENV7: Quality in the Built Environment

5.9 Cambridge Local Plan 2006

- 3/4 Responding to context
- 3/11 The design of external spaces
- 4/11 Conservation Areas
- 4/13 Pollution and amenity
- 5/1 Housing provision
- 5/7 Supported housing/Housing in multiple occupation
- 8/2 Transport impact
- 8/6 Cycle parking

5.10 Material Considerations

Central Government Guidance

Letter from Secretary of State for Communities and Local Government dated 27 May 2010 that states that the coalition is committed to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Decisions on housing supply (including the provision of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.

Central Government Guidance

Draft National Planning Policy Framework (July 2011)

The National Planning Policy Framework (Draft NPPF) sets out the Government's economic, environmental and social planning policies for England. These policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations.

The Draft NPPF includes a set of core land use planning principles that should underpin both plan making and development management (precised form):

1. planning should be genuinely plan-led
2. planning should proactively drive and support the development and the default answer to development proposals should be 'yes', except where this would compromise the key sustainable development principles set out in the Draft NPPF

3. planning decisions should take into account local circumstances and market signals such as land prices, commercial rents and housing affordability and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business community
4. planning decisions for future use of land should take account of its environmental quality or potential quality regardless of its previous or existing use
5. planning decisions should seek to protect and enhance environmental and heritage assets and allocations of land for development should prefer land of lesser environmental value
6. mixed use developments that create more vibrant places, and encourage multiple benefits from the use of land should be promoted
7. the reuse of existing resources, such as through the conversion of existing buildings, and the use of renewable resources should be encouraged
8. planning decisions should actively manage patterns of growth to make the fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable
9. planning decisions should take account of and support local strategies to improve health and wellbeing for all
10. planning decisions should always seek to secure a good standard of amenity for existing and future occupants of land and buildings.

The Draft NPPF states that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent development.

Letter from Secretary of State for Communities and Local Government (27 May 2010)

The coalition government is committed to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Decisions on housing supply (including the provision of travellers sites) will rest with

Local Planning Authorities without the framework of regional numbers and plans.

Written Ministerial Statement: Planning for Growth (23 March 2011)

Includes the following statement:

When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant and consistent with their statutory obligations they should therefore:

(i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;

(ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;

(iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);

(iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;

(v) ensure that they do not impose unnecessary burdens on development.

In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.

City Wide Guidance

Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010)

6.0 CONSULTATIONS

Cambridgeshire County Council (Transport)

- 6.1 No parking provision is made for the residents of the site. The proposal has the potential to generate additional parking demand, which would appear on-street in direct competition with other existing residential uses in the area.

The area already suffers intense competition for available parking on street.

Head of Environmental Services

- 6.2 Due to the nature of the occupancy of a HMO rubbish, litter and poorly maintained gardens are typical problems that harm the amenity of both the residents and those neighbouring the property.

The Environmental Protection Team of the Waste and Environment Service has dealt with complaints about litter and rubbish this has included domestic rubbish and white goods, televisions and mattresses in the garden of the property.

The source of the rubbish was not identified but was believed to be a mixture of fly tipping and waste from the house. Fly tipping is an issue for the site as the rear garden borders a right of way and the garden is not fenced. This makes trespass and fly tipping very easy.

A bespoke condition requiring the rear garden to be fenced is requested.

A bespoke condition requiring the management of the property including the gardens to be kept free from litter and the garden to be maintained is also requested.

Historic Environment Manager

6.3 No comments received. I will update Committee on the amendment sheet.

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 The owners/occupiers of the following addresses have made representations: Hemingford House, 2, 3, 4, 5, 6, 9, 11, 12, 14, 19, 23, 25 Hemingford Road,

7.2 The representations can be summarised as follows:

Principle of the development

- The proposed change of use does not respect the character and residential amenity of the local area.

Amenity Concerns

- The nature of residents (generally transient students) means that there is considerable noise, especially at night.
- There is a lot of traffic on the internal staircase which is located on the party wall.
- The level of noise is unacceptable in a confined residential area.
- There is considerable comings and goings to the property late at night.
- The general appearance of the property is very unkempt.

Parking concerns

- There is already considerable pressure on parking in the street, with limited marked parking bays.
- There is no further capacity to add to current car parking facilities.
- There is insufficient space for bicycle storage

Other Comments

- Objections to the size of the extension being considered under the separate application 10/1030/FUL.

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. Car and cycle parking
6. Third party representations

Principle of Development

8.2 The development of properties for multiple occupation will be permitted subject to the potential impact upon residential amenity of the local area; the suitability of the building or site, and the proximity of bus stops, pedestrian and cycle routes and other local services. The property is within a sustainable location close to Mill Road East District Centre and is therefore in an appropriate location for a potentially more intensive residential use. In principle, the change of use is acceptable and in accordance with Cambridge Local Plan 2006 policy 5/7. An analysis of the other policy 5/7 issues is discussed below.

Context of site, design and external spaces

8.3 There are no external alterations to the building, therefore there are no design or street scene issues as a result of the change of use. I do not feel there is any adverse impact upon the character and appearance of the Conservation Area as a result of the change of use to an HMO.

8.4 The existing residential property has a rear garden which could accommodate an outbuilding suitable for the secure storage of bicycles. This can be ensured through the imposition of a

suitable planning condition. I recognise that at present the rear garden is currently very unkempt. This is however a management issue and the Council's Housing standards are taking appropriate enforcement action to ensure that the maintenance of the premises is improved. In my view the property and site is suitable for use as a house in multiple occupation, in accordance with Local Plan policy 5/7 part (b).

- 8.5 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 5/7.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.6 Local Plan policy 5/7 states that Houses of Multiple occupation will be permitted subject to the potential impact upon residential amenity. I recognise the concerns raised that the current use of the property does have some impact on the amenity of the area, in terms of comings and goings of residents and noise within the property. However, many of the issues raised relate to the current poor management of the premises and can be addressed through other legislation. The Council's housing standards are currently pursuing enforcement action against the unkempt garden and inadequate kitchen facilities. The overall size of the property and its location at the end of the terrace should in my view be suitable for a more intensive form of multiple occupancy residential accommodation.
- 8.7 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 and Cambridge Local Plan (2006) policies 3/4 and 5/7.

Amenity for future occupiers of the site

- 8.8 The premises could in my view provide an adequate standard of amenity for current and future occupiers. As rehearsed above, the current poor management of the premises is being pursued by the Council's Housing Standards. In principle, the size and layout of the premises provides an adequate standard of amenity in accordance with Local Plan policy 5/7.

Refuse Arrangements

- 8.9 The property provides a refuse storage area adjacent to Hemingford Road, behind a low wall. While I appreciate that at present this is not properly managed, with bins left in an untidy manner, nevertheless adequate refuse provision is available for current and future occupiers. I do however consider it reasonable to impose a management strategy condition for the premises. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Car and Cycle Parking

- 8.10 The plans submitted do not indicate any area for the storage of bicycles at the property. However the rear garden is of sufficient size to adequately accommodate a suitable outbuilding for the storage of 7 bicycles to serve the HMO. This can be ensured through the imposition of a suitable planning condition.
- 8.11 I note concerns regarding the potential impact of the scheme on the availability of on street car parking. The site is located in close proximity to public transport links and local shops and services. As such, this type of accommodation which does not have off street parking is acceptable in this location. The current high demand is in itself a disincentive to car ownership and the nature of the HMO is such that occupants, which are often short term tenants, are unlikely to own a car. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.12 The representation raised have been considered in the above report. The following issue has also been raised:

Objection to the size of the proposed extension

The proposed single storey rear extension under reference 10/1030/FUL, which proposed 1 additional bedroom will be considered on its on merits.

9.0 CONCLUSION

- 9.1 The property is in my view suitable for more intensive use as a house of multiple occupation. I do not consider that this creates a significant harm to either the character of the area or the amenities enjoyed by neighbouring residential properties. The current poor maintenance and management of the premises is being tackled by other Legislation, under Housing Standards. Approval is recommended.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

1. Within 1 month of the date of the permission hereby granted details of facilities for the covered, secured parking of bicycles for use in connection with the development hereby permitted 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.

Reason: To ensure appropriate provision for the secure storage of bicycles. (Cambridge Local Plan 2006 policy 8/6)

2. The House of Multiple Occupation hereby approved shall not be let out to more than 7 tenants at any one time.

Reason: To restrict the intensity of the use in the interests of neighbouring amenity, Cambridge Local Plan 2006 policy 5/7.

3. Within 1 month of the date of the permission hereby granted a Management Strategy shall be submitted to and approved in writing by the Local Planning Authority.

The Management Strategy shall more particularly but not exclusively include:

- I. Management and maintenance of the, hard surfaced areas and green (garden) space.
- II. External building maintenance including cleaning regimes.
- III. The management of rubbish, litter waste and recycling.

The management strategy shall be carried out as agreed.

Reason: In the interests of neighbouring amenity, Cambridge Local Plan policy 5/7.

Reasons for Approval

1. This development has been approved, conditionally, because subject to those requirements it is considered to conform to the Development Plan as a whole, particularly the following policies:

East of England plan 2008: ENV6, ENV7

Cambridge Local Plan (2006): 3/4, 3/11, 4/11, 4/13, 5/1, 5/7, 8/2, 8/6

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

These reasons for approval can be a summary of the reasons for grant of planning permission only. For further details on the decision please see the officer report online at www.cambridge.gov.uk/planningpublicaccess or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”

5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected by contacting John Summers (Ext.7103) in the Planning Department.