

Application Number	11/0925/FUL	Agenda Item	
Date Received	2nd August 2011	Officer	Miss Sophie Pain
Target Date	27th September 2011		
Ward	Arbury		
Site	18-20 Histon Road Cambridge Cambridgeshire CB4 3LE		
Proposal	Change of use to 5 residential rooms with ensembles and common lounge/kitchen.		
Applicant	Mr Mahmood 16 Histon Road Cambridge Cambridgeshire CB4 3LE		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site consists of the first and second floors of a building facing Histon Road, just north of its junction with Huntingdon Road and Victoria Street. The building, originally two terraced houses from the late nineteenth century, has been in retail use at ground-floor level for at least thirty years. The first floor, accessed by an internal stairway on the north side of the shop, is currently a four-bedroom flat.
- 1.2 The ground floor of the building has been extended at the rear to fill the entire width and length of the plot reaching to the service lane at the rear (Briggs Passage). The first floor has been extended by only 3m from the original rear face of the building.
- 1.3 The surrounding area is primarily residential, but there are some ground-floor retail uses. The site is not in a conservation area.

2.0 THE PROPOSAL

- 2.1 Full planning permission is sought for the conversion of a 4 bedroom flat into a 5 bedroom HMO, through change of use of

the upper floors to 5 residential letting rooms with ensuite and a common lounge area. The application is identical to that submitted and refused under ref. 11/0403/FUL with one notable exception. The proposed facilities for cycle and refuse storage have been increased in size to accommodate four wheelie bins and three Sheffield stands to accommodate six bicycles with additional space to manoeuvre cycles and bins independently.

- 2.2 The application proposes reconfiguration of the existing flat at first floor level to create three en-suite bedrooms sharing a communal kitchen/lounge. The roof space above these rooms would be converted into two additional rooms, each of which would be served by a new dormer window, 2.5 m wide and 1.5 m high projecting from the rear plane of the existing pitched roof. A window is to be removed from the front elevation and replaced by a door to provide separate access to the cycle/bin store.
- 2.1 The application is accompanied by the following supporting information:

1. Design and Access Statement

3.0 SITE HISTORY

- 3.1 Change of use from residential was permitted by 76/0582. Between that date and 2001 there were 12 applications concerned with extensions and changes to the ground-floor retail premises. Only the two indicated below involved the first floor.

Reference	Description	Outcome
91/0469	Extension to shop (first floor full-width extension)	Refused
92/0245	Extension to shop (first floor full-width extension)	Refused

- 3.2 Four recent applications have been made.

Reference	Description	Outcome
09/0717	Change of use to eight en-suite rooms with common lounge/kitchen	Refused
09/1075	Change of use to five en-suite rooms with common lounge/kitchen; erection	Refused

10/1024	of rear dormers Change of use to five en-suite rooms with common lounge/kitchen; erection of rear dormers	Refused
11/0403	of rear dormers Change of use to five en-suite rooms with common lounge/kitchen; erection of rear dormers	Refused

4.0 PUBLICITY

4.1	Advertisement:	No
	Adjoining Owners:	Yes
	Site Notice Displayed:	No
	Public Meeting/Exhibition:	No
	DC Forum:	No

5.0 POLICY

5.1 Central Government Advice

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Planning Policy Statement 3: Housing (2006):

Planning Policy Statement 3 (PPS3): 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)

Circular 11/95 – The Use of Conditions in Planning Permissions
Circular 05/2005 - Planning Obligations:

Community Infrastructure Levy Regulations 2010 – places a statutory requirement on the local authority that where planning permission is dependent upon a planning obligation the obligation must pass the following tests:

(a) necessary to make the development acceptable in planning terms;

- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

5.2 **East of England Plan 2008**

SS1: Achieving Sustainable Development
T9: Walking, Cycling and other Non-Motorised Transport
T14 Parking
ENV7: Quality in the Built Environment
WM6: Waste Management in Development

5.3 **Cambridgeshire and Peterborough Structure Plan 2003**

Planning Obligation Related Policies

P6/1 Development-related Provision
P9/8 Infrastructure Provision

5.4 **Cambridge Local Plan 2006**

3/1 Sustainable development
3/4 Responding to context
3/7 Creating successful places
3/14 Extending buildings

5/2 Conversion of large properties
8/6 Cycle parking

10/1 Infrastructure improvements

Planning Obligation Related Policies

3/8 Open space and recreation provision through new development
5/14 Provision of community facilities through new development
10/1 Infrastructure improvements (*transport, public open space, recreational and community facilities, waste recycling, public realm, public art, environmental aspects*)

5.5 **Supplementary Planning Documents**

Cambridge City Council (May 2007) – Sustainable Design and Construction:

5.6 **Material Considerations**

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.

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 (2011) - Open Space and Recreation Strategy.

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

Cycle Parking Guide for New Residential Developments (2010)

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

6.1 Neither existing nor future occupiers of the site will qualify for residents' parking permits.

Head of Environmental Services

6.2 Comments made in relation to Housing Standards, Waste, Air Quality and Road Traffic and Construction Noise. Facilities for

waste storage are now acceptable. Conditions recommended in relation to construction hours, noise insulation and residential waste storage and collection. Informative regarding noise insulation scheme.

- 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:

- 22 Histon Road

- 7.2 The representations can be summarised as follows:

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- There will be a significant increase in noise transference between properties and also from the construction works;
- The proposed development will overlook gardens and into neighbouring bathroom windows leading to a loss of privacy;
- The communal areas proposed are too small and so future residents will overspill onto the flat roof, through the windows, which is both unsafe and will lead to further loss of privacy for neighbouring properties;
- Where will the contractors compound be?
- Where will the residents park if they do not qualify for Residents Permits? Concern that it will be more difficult for existing residents to access the parking areas to the rear of their properties, which are accessed from Briggs Passageway;
- The lane at the back of the site, Briggs Passageway, cannot take additional traffic.

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:

- Principle of development

- Residential amenity
- Refuse arrangements
- Car and cycle parking
- Planning Obligation Strategy

Principle of development

- 8.2 Increased residential accommodation is welcomed by the Cambridge Local Plan (2006), but policy 3/7 requires new living environments to be attractive, high-quality, stimulating and safe. Policy 5/2 requires conversions to provide 'satisfactory' living accommodation.
- 8.3 The proposed conversion of this property addresses the concerns originally raised over housing standards previously raised by the Environmental Health team. The proposed dormers would provide a limited, but acceptable area of full-height living space for the occupiers of the upper floor rooms. In my view, the proposal would not be in conflict with policies 3/7 or 5/2 of the Cambridge Local Plan (2006).

Context of site, design and external spaces

- 8.4 Although they would be visible from Victoria Road and Briggs Passage, I do not consider that the proposed dormers would have any harmful impact on the townscape. The alterations to the building frontage to accommodate the cycle and bin store are also acceptable.
- 8.5 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.6 A neighbour is concerned that the proposal will result in a loss of privacy to neighbouring gardens and will provide views into a bathroom window. However, I do not consider that the proposal represents any threat to the privacy of neighbours, as windows remain in their current positions at first floor, and the proposed dormer windows, although offering opportunities to overlook the gardens of neighbouring properties, would not expose to view any areas not already overlooked. With reference to

overlooking into the neighbouring bathroom window, this would be extremely difficult as future occupants would need to look at a very oblique angle in order to achieve this.

- 8.7 Concern has been expressed that as the communal area is not very generous, it may lead to future occupants using the flat roof area to the rear of the property to socialise. Such a use of this space would require planning permission in its own right and has not been sought as part of this planning application.
- 8.8 Although the proposal represents intensification of residential use on the site, I do not consider the likelihood of significant increase in noise and disturbance to neighbours is sufficient to merit refusal. Neighbours are concerned that there will be noise transference between properties. However, that is a matter for Building Regulations rather than for consideration as part of this planning application.
- 8.9 Development will result in some construction noise, however, the hours of this can be conditioned in order to protect the amenity of neighbouring occupiers. With reference to a contractors compound, this site is particularly constrained and I consider that it is appropriate to impose a condition which requires details of the contractors compound in order to ensure that such provision does not inconvenience neighbours more than is necessary.
- 8.10 In my opinion the proposal adequately respects the residential amenity of its neighbours and I consider that in this respect it is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/4 and 3/7.

Amenity for future occupiers of the site

- 8.11 By incorporating the two proposed dormers on the rear elevation of the property, this overcomes previous concerns from Environmental Health with regard to living standards for the future occupants. The dormers provided a limited, but acceptable head height within the two roofs located in the roof space. The communal area, although not particularly generous, is considered to be acceptable for the number of future occupants.

8.12 In my opinion the proposal provides an acceptable 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 (2006) policies 3/7 and 3/14.

Refuse arrangements

8.13 Provision has been made for four wheelie bins and sufficient manoeuvring space in a storage area shared with bicycles. This has been accommodated by a slight loss of retail space. The EH officer is satisfied with the provision subject to the imposition of a condition that I recommend. This has partially addressed the reason for refusal of the last application.

8.14 In my view, the application is in conflict with East of England Plan (2008) policy WM6 and Cambridge Local Plan (2006) policy 3/12.

Car and cycle parking

8.15 The existing flat has no car or cycle parking provision. The site is well served by bus transport and is within easy walking and cycling distance of the city centre. In my view to propose additional residential use without car parking is acceptable, and in accordance with the Car Parking Standards.

8.16 The City Council Cycle Parking Standards do not identify an HMO as a separate class of building, but if it is treated as a single residential unit the Standards would require at least four secure cycle parking spaces. I acknowledge that no spaces exist for the present flat, but I do not consider it acceptable to introduce any additional residents into the building, in a location where cycle use is very likely, without any cycle storage.

8.17 The design of the proposed cycle storage area which is shared with the bin store has overcome the objections raised in relation to the previous application through the provision of Sheffield stands as a means of securing the cycle set 900 mm apart and by allowing greater manoeuvring space. This has been accommodated by a slight loss of retail space. This has fully addressed the reason for refusal of the last application.

8.18 In my opinion the proposal is compliant with East of England Plan (2008) policy T14 and Cambridge Local Plan (2006) policies 8/6 and 8/10.

Planning Obligation Strategy

8.19 The Planning Obligation Strategy (2010) provides a framework for expenditure of financial contributions collected through planning obligations. The applicants have previously indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Strategy, but I have not sought an agreement at present because of the unacceptability of the cycle parking and waste storage within the proposal. The proposed development triggers the requirement for the following community infrastructure:

Open Space

8.20 The Planning Obligation strategy requires that all new residential developments contribute to the provision or improvement of public open space, either through provision on site as part of the development or through a financial contribution for use across the city. The proposed development requires a contribution to be made towards open space, comprising indoor sports facilities, outdoor sports facilities, informal open space and provision for children and young people. The total contribution sought has been calculated as follows.

8.21 The application proposes the conversion of one residential unit containing four bedrooms to form a new HMO containing five bedrooms. In conversions, the contributions for open space are based on the number of additional bedrooms created, each additional bedroom being assumed to contain one person. Contributions for space for children and young people are only required if they are in units with more than one bedroom. The totals required for the new units resulting from the proposed conversion are calculated as follows:

Indoor sports facilities					
Existing total bedrooms	New total bedrooms	Net additional bedrooms	Assumed net additional persons	£ per person	Total £

4	5	1	1	238	238
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Outdoor sports facilities					
Existing total bedrooms	New total bedrooms	Net additional bedrooms	Assumed net additional persons	£ per person	Total £
4	5	1	1	269	269

Informal open space					
Existing total bedrooms	New total bedrooms	Net additional bedrooms not in 1-bed units	Assumed net additional persons	£ per person	Total £
4	5	1	1	242	242

8.22 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 3/8 and 10/1 and the Planning Obligation Strategy 2010 and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010)

Community Development

8.23 The Planning Obligation Strategy (2004) requires that all new residential developments contribute to community development facilities, programmes and projects if new units are created. In this case the proposed HMO is deemed a single unit and therefore no contributions are sought under this heading.

Waste

8.24 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the provision of household waste and recycling receptacles on a per dwelling

basis. In this case the proposed HMO is deemed a single unit and therefore no contributions are sought under this heading.

Monitoring

- 8.25 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the costs of monitoring the implementation of planning obligations. The costs are calculated according to the heads of terms in the agreement. The contribution sought will be calculated as £150 per financial head of term, £300 per non-financial head of term. Contributions are therefore required on that basis.

Planning Obligations Conclusion

- 8.26 It is my view that the planning obligation is necessary, directly related to the development and fairly and reasonably in scale and kind to the development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010.

9.0 CONCLUSION

- 9.1 The amendments that have been made to the proposal have addressed the previous reason for refusal and subject to the completion of the s106 agreement, 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. Except with the prior written agreement of the local planning authority in writing no construction work or demolition shall be carried out or plant operated other than between the following hours: 0800 hours to 1800 hours Monday to Friday, 0800 hours to 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)

3. Prior to the commencement of development/construction, a noise insulation scheme detailing the acoustic noise insulation performance specification of the external building envelope of the residential units (having regard to the building fabric, glazing and ventilation) to reduce the level of noise experienced in the residential units as a result of the proximity of the bedrooms/living rooms to the high ambient noise levels in the area (dominated by traffic and vehicle noise), be submitted to and approved in writing by the local planning authority. The scheme shall achieve the internal noise levels recommended in British Standard 8233:1999 'Sound Insulation and noise reduction for buildings-Code of Practice'. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall not be altered without prior approval.

Reason: To protect the amenity of future residents of the property. (Cambridge Local Plan 2006 policy 4/13)

4. Prior to the commencement of the use hereby permitted, the on-site storage facilities for waste including waste for recycling and the arrangements for the disposal of waste detailed on the approved plans shall be provided. The approved arrangements shall thereafter be maintained unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To ensure that appropriate waste provision is provided
(Cambridge Local Plan policy 3/4)

5. Before the development hereby permitted is commenced details of the following matters shall be submitted to and approved by the local planning authority in writing.
 - i) contractors access arrangements for vehicles, plant and personnel,
 - ii) contractors site storage area/compound,
 - iii) the means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site,

- iv) the arrangements for parking of contractors vehicles and contractors personnel vehicles.

Thereafter the development shall be undertaken in accordance with the approved details.

Reason: To protect the amenity of the adjoining properties during the construction period. (Cambridge Local Plan 2006 policy 4/13)

- 6. To satisfy the noise insulation condition for the building envelope as recommended, the developer must ensure that these residential units are acoustically protected by a scheme, to ensure the internal noise level within the habitable rooms, and especially bedrooms comply with British Standard 8233:1999 [Sound Insulation and noise reduction for buildings-Code of Practice] derived from the World Health Organisation Guidelines for Community Noise: 2000. The code recommends that a scheme of sound insulation should provide internal design noise levels of 30 LAeq (Good) and 40 LAeq (Reasonable) for living rooms and 30 LAeq (Good) and 35 LAeq (Reasonable) for bedrooms. Where sound insulation requirements preclude the opening of windows for rapid ventilation and summer cooling acoustically treated mechanical ventilation may also need to be considered within the context of this internal design noise criteria. Compliance with Building Regulation AD F: Ventilation will also need consideration.

Reasons for Approval

1.This development has been approved subject to conditions and the prior completion of a section 106 planning obligation (/a unilateral undertaking), 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: SS1, T9, T14, ENV7 and WM6

Cambridgeshire and Peterborough Structure Plan 2003: P6/1 and P9/8

CambridgeLocalPlan(2006): 3/1, 3/4, 3/7, 3/8, 3/14, 5/2, 5/14, 8/6,10/1

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.

Unless prior agreement has been obtained from the Head of Development Services, and the Chair and Spokesperson of this Committee to extend the period for completion of the Planning Obligation required in connection with this development, if the Obligation has not been completed by 9th January 2012 it is recommended that the application be refused for the following reason(s).

The proposed development does not make appropriate provision for open space/sports facilities, community development facilities in accordance with Cambridge Local Plan 2006 policies 3/8, 5/14 and 10/1, Cambridgeshire and Peterborough Structure Plan 2003 policies P6/1 and P9/8 and as detailed in the Planning Obligation Strategy 2010.

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 on the City Council website at:
www.cambridge.gov.uk/planningpublicaccess
or by visiting the Customer Service Centre at Mandela House.