

Application Number	11/0884/FUL	Agenda Item	
Date Received	27th July 2011	Officer	Mr John Evans
Target Date	21st September 2011		
Ward	West Chesterton		
Site	51 Elizabeth Way Cambridge Cambridgeshire CB4 1DB		
Proposal	Change of use application to an HMO (sui generis) aims to regulate the planning status of the property in order to bring it into line with its already licensed usage.		
Applicant	C/o 3A Abbeygate Street Bury St Edmunds Suffolk IP33 1UL		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 51 Elizabeth Way is a semi-detached two-storey dwelling, situated on the west side of the street. Elizabeth Way, although an urban primary road and part of the City ring road is largely residential in character with a mix of terraced, semi-detached and detached dwellings.
- 1.2 Retrospective planning permission for a 2 storey rear extension 4m in depth was refused in 2010.
- 1.3 The site is not within a conservation area or the Controlled Parking Zone.

2.0 THE PROPOSAL

- 2.1 This application seeks retrospective consent for the change of use of the property to a house of multiple occupation for 7 people.
- 2.2 The application also seeks permission for the alteration of the existing 2 storey rear extension to a reduced 3m in depth.

3.0 SITE HISTORY

Reference	Description	Outcome
10/1216/FUL	Two storey rear extension and first floor windows and roof lights. (Retrospective)	Refused

Application 10/1216/FUL was refused for the following reason:

The rear extension as constructed, because of its scale (its length and its height), and its siting close to the common boundary with and south of the neighbouring property, 53 Elizabeth Way, causes that property to lose light to and outlook from the dwelling and rear garden area. Furthermore, the extension unreasonably dominates 53 from the south, causing the occupiers to suffer an undue sense of enclosure, to the detriment of the level of amenity they should reasonably expect to enjoy. The development is therefore contrary to policy 3/14 of the Cambridge Local Plan 2006. It follows that the development also fails to respond to its context or to relate satisfactorily to its surroundings and is therefore also contrary to policy ENV7 of the East of England Plan 2008, to policy 3/4 of the Cambridge Local Plan 2006 and to advice provided by Planning Policy Statement 1 - Delivering Sustainable Development (2005).

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 **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.

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.

5.6 **East of England Plan 2008**

ENV7: Quality in the built environment

5.7 **Cambridge Local Plan 2006**

3/4 Responding to context

3/14 Extending buildings

5/1 Housing provision

5/7 Supported housing/Housing in multiple occupation

8/6 Cycle parking

5.8 **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.

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.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways)

6.1 The proposal has the potential to increase demand for on street car parking.

Head of Environmental Services

6.2 No comments, the property is a licensed HMO.

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: 53/55 Elizabeth Way,

7.2 The representations can be summarised as follows:

- Strongly object.
- The house has been used for 12 months as a HMO despite not having permission.
- We have suffered intolerable levels of noise during this time; Loud music at night, doors slamming.
- On several occasions vehicles have parked on the road blocking the pavement.
- An application for an HMO has already been turned down in 1981.
- We will lose amenity from the first floor living rooms.
- We are surrounded by another HMO, if this is approved our quality of life will be zero.

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 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 Chesterton High Street Local Centre and is therefore in an appropriate location for a potentially more intensive residential use. While I note the previous refusal for a house of multiple occupation in 1981, the current 2006 Development Plan allows for the development of HMOs. 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 The key design issue is the design and appearance of the extension in relation to the main dwelling.

8.4 Extensions to existing buildings will be permitted if they reflect or successfully contrast with their form, use of materials and architectural detailing, as set out within Local Plan policy 3/14. The Council considered the design of the previous 4m extension acceptable in relation to the main house. The

proposed altered extension, which projects 3m deep, is in proportion with the plan form of the main house and will not detract from its character and appearance.

- 8.5 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/14.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.6 The extension as constructed sits to the north of the unattached neighbouring dwelling, 49 Elizabeth Way. Given this relationship, and the distances involved, I do not consider that the impact on light and outlook is significant and nor is privacy to this property affected.
- 8.7 The previous retrospective application considered the current extension to negatively impact on the light to and outlook from the windows of the conservatory, the rear first floor bedroom, and the rear garden of number 53/55 Elizabeth Way. In my view this amended plan, which will require the applicant to demolish 1m of the current extension, addresses the previous reason for refusal. I do not consider the proposed 2 storey, 3m deep extension to significantly affect the amenities of number 53/55 through either overshadowing or an undue visual impact.
- 8.8 The significant reduction in depth by 1m, in turn reduces the visual impact of the overall height of the extension and its siting in relation to the boundary. The proportions of the extension would normally fall within the scope of 'permitted development' for dwelling houses falling within use class C3. I do not consider that use of the premises as a HMO exacerbates the potential visual harm from the amended 2 storey extension.
- 8.9 I note concerns regarding the use of the property as an HMO and potential increases in noise and disturbance. In my view the size of the property is suitable for a more intense residential use and I do not consider the comings and goings to the property to be unduly erosive to the amenities of either number 49 or 53/55 Elizabeth Way. Specific noise complaints relating to the playing of loud music could be dealt with under other Legislation.

- 8.10 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 (2006) policies 3/4 and 3/14.

Amenity for future occupiers of the site

- 8.11 In my opinion the property is of sufficient size to be suitable for a more intensive residential use and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policy 5/7.

Refuse Arrangements

- 8.12 There is adequate space within the rear garden for the storage of bins. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Car and Cycle Parking

- 8.13 The County Highways Authority raise concerns that the change of use will potentially increase demand for 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.

- 8.14 The property provides adequate cycle parking within the rear garden. However, the existing cycle racks are not covered from the weather, as required by the Council's cycle parking standards. This can be ensured through the imposition of a suitable planning condition.

- 8.15 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.16 The issues raised within the representation received have been covered in the above report.

9.0 CONCLUSION

- 9.1 The revised depth of the extension addresses the previous reason for refusal. The change of use of the property does not significantly adversely affect the amenities of neighbouring residential properties. 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. The house of multiple occupation (HMO) hereby approved shall not be permanently occupied by more than 7 people.

Reason: In the interests of neighbouring amenity, Cambridge Local Plan 2006 policies 3/4 and 5/7.

3. Within 3 months of the date of this permission, 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.

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

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: ENV7

Cambridge Local Plan (2006): 3/4, 3/14, 5/1, 5/7, 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 on the City Council website at: www.cambridge.gov.uk/planningpublicaccess or by visiting the Customer Service Centre at Mandela House.