

<b>Application Number</b>	21/03899/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	26th August 2021	<b>Officer</b>	Tom Gray
<b>Target Date</b>	21st October 2021		
<b>Ward</b>	Trumpington		
<b>Site</b>	157 Shelford Road Cambridge		
<b>Proposal</b>	Change of use to 11bed HMO for 11 persons (sui generis).		
<b>Applicant</b>	M Fas Malik 157 Shelford Road Cambridge		

<p>SUMMARY</p>	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The HMO is situated within a sustainable location with alternative modes of accessible transport, the building is suitable for use as such with appropriate parking, refuse facilities and outdoor amenity space. In addition, it does not create an over-concentration of such a use in the local area</li> <li>- Given its location outside the town centre and taking all submitted evidence into account, it has been demonstrated that the existing lawful visitor accommodation was no longer economically viable to be retained as such and all reasonable efforts have been made to preserve the facility</li> <li>- There is no significant impact upon neighbour amenities. Both internal and external amenity spaces are considered to be of an acceptable quality and amount. The number of occupants will be controlled by condition.</li> <li>- Car and cycle provision is acceptable.</li> </ul>
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	Sheffield stands exist to the front of the building in an appropriate location. Additional Sheffield stands would be to the rear to provide for overflow cycle provision and will be conditioned.
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

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

- 1.1 The application site comprises a detached building situated outside the controlled parking zone. Statutory protected trees are located to the rear of the site and adjacent to the site (within the garden of No.165 Shelford Road). Surface water flooding issues have been identified within the application site and the immediate area.
- 1.2 Whilst the application form states that the current use is residential, according to the site's planning history, its lawful use is as a B&B. It is understood that an HMO license has been granted and therefore this application seeks retrospective planning consent for the use of the property as a HMO.

## **2.0 THE PROPOSAL**

- 2.1 The applicant proposes the change of use to 11bed HMO for 11 persons (sui generis).

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
05/0619/FUL	Change of use of six rooms from residential to use for Bed and Breakfast	Refused
06/0255/FUL	Change of use of six rooms for the use of bed and breakfast	Permitted
07/0450/FUL	Change of use of 2 rooms to the use for bed and breakfast	Permitted
13/1484/FUL	Additional guest bedroom,	Permitted

additional  
owners bedroom and detached  
garden  
building

14/1446/FUL	Change of use from Bed and Breakfast (C1) to create 8 studio flats (Sui Generis)	Withdrawn
21/02475/FUL	Change of use to large 11bed HMO for 11 persons (sui generis)	Refused

#### 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 Plan 2018	Local	1 3 32 35 36 48 50 51 52 55 56 58 71 78 80 81 82

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

Central	National Planning Policy Framework 2021
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<p>Government Guidance</p>	<p>National Planning Policy Framework – Planning Practice Guidance from 3 March 2014 onwards</p> <p>Circular 11/95 (Annex A)</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 Documents</p>	<p>Cambridgeshire and Peterborough Flood and Water</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>
<p>Material Considerations</p>	<p><u>City Wide Guidance</u></p> <p>Air Quality in Cambridge – Developers Guide (2008)</p> <p>Arboricultural Strategy (2004)</p> <p>Balanced and Mixed Communities – A Good Practice Guide (2006)</p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p> <p>Cambridge City Council Draft Air Quality Action Plan 2018-2023</p> <p>Cambridge City Council Waste and Recycling Guide: For Developers.</p>

	<p>Cambridge Walking and Cycling Strategy (2002)</p> <p>Cambridgeshire Design Guide For Streets and Public Realm (2007)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p> <p>Greater Cambridge Sustainable Design and Construction SPD (2020)</p>
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## **6.0 CONSULTATIONS**

### **6.1 Cambridgeshire County Council (Highways Development Management)**

No adverse effect upon the Public Highway.

### **6.2 Environmental Health**

No objection.

I have previously provided comments for a similar application at this address on 22nd June 2021, specifically in response to the consultation on 21/02475/FUL - Change of use to large 11bed HMO for 11 persons (sui generis). At that time, I spoke with our Residential Team who lead on the licensing of HMO's and it was confirmed that 157 Shelford Road has already met the necessary standards for an 11 bed HMO in terms of the Housing Health and Safety Rating System (HHSRS). I understand that the applicant has been issued with the relevant HMO license.

Given the above, we have no specific concerns regarding this application. However, as previously advised, should approval of the application not be granted, we would ask that the Planning Case Officer contacts the Residential Team of Environmental Health either via telephone no. 01223 457000 or email [env.health@cambridge.gov.uk](mailto:env.health@cambridge.gov.uk) to confirm the decision as it may

have repercussions for the existing HMO license issued for the premises.

## **7.0 REPRESENTATIONS**

7.1 The owners/occupiers of the following addresses have made representations objecting to the proposal:

**149 Shelford Road** – Objection. Council have previously approved a number of extensions to the property and is now out of keeping with the neighbourhood. Potential for 22 occupants (11 bedrooms). All along Shelford Road there are cars/vans parked and dangerously obscure view of other drivers. Gross overdevelopment. Previous development not carried out in accordance with the permission. Further creeping expansion of use. Effectively a small room only hotel.

**165 Shelford Road** – Support. Never had any issues with noise, car parking or any other topic. All residents parking within designated area.

## **8.0 ASSESSMENT**

8.1 From the consultation responses and representations received the main issues are as follows:

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Highway safety and Parking Provision
5. Other Matters (Trees, Flood Risk etc.)

### **Principle of Development**

8.2 The applicant seeks retrospective planning consent for the change of use of B&B use to House of Multiple Occupancy (HMO) sui generis use, comprising an 11-bedroom, 11 person HMO.

8.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

8.4 Policy 3 of the Cambridge Local Plan 2018 states that the overall development strategy is to focus the majority of new residential development in and around the urban area of Cambridge, creating strong, sustainable, cohesive and inclusive mixed-use communities. The policy is supportive in principle of new housing development that will contribute towards an identified housing need. The proposal would contribute to housing supply and thus would be compliant with Policy 3 of the Local Plan 2018.

*Suitability for use as a House of Multiple Occupancy (HMO)*

8.5 Policy 48 of Cambridge Local Plan 2018 states that proposals for large houses in multiple occupation (sui generis use) 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 area;
- c. will be accessible to sustainable modes of transport, shops and other local services.

8.6 In this instance, the local area is largely characterised by large independent family dwellings and flats, and there is no large concentration of houses in multiple occupation within the vicinity of the application site. Therefore, the proposal is compliant with criterion a of Policy 48.

8.7 The property comprises a good-sized kitchen and large breakfast room with additional space for facilities if required by the occupants. In addition, a reception room is located to the rear of the building within a conservatory. These communal areas will be conditioned to remain as such on any planning consent granted. A sizeable outdoor amenity space with covered decking area, suitable for recreational use and an area of lawn for drying clothes is provided. It is noted that the building to which this planning application relates has been granted a residential licence to be used as a house in multiple occupation and therefore has met the suitability test in addition to health and safety as assessed by the Environmental Health Residential Team.

- 8.8 Provision is made for appropriate refuse and recycling storage at the front of the site, with car parking and cycle provision within the area fronting Shelford Road. With regards parking standards, this will be discussed further in the highways section below.
- 8.9 Moreover, given the application site's location on a main road entering the City of Cambridge and easy access to shops and local services including places of work including Addenbrookes, and taking all this into account, it is considered that the proposal would be compliant with criterion a, b and c of Policy 48 of the Local Plan 2018 subject to parking standards compliance.

*Loss of visitor accommodation*

- 8.10 Although the Design and Access Statement states that the building is currently in residential (C3) use, the planning history suggests that its lawful use (and last use) was B&B accommodation (C1 use). The proposed change of use from visitor accommodation to an HMO use would therefore result in the loss of visitor accommodation and Policy 78 of the Local Plan 2018 would be engaged.
- 8.11 Policy 78 of the Local Plan 2018 states that development will not be permitted which would result in the loss of existing visitor accommodation (as defined within the supporting text to Policy 77) unless the use is no longer viable.  
Applications for change of use will need to demonstrate that:
- a. all reasonable efforts have been made to preserve the facility but it has been proven that it would not be economically viable to retain the visitor accommodation in its current form; and
  - b. the property or site has been appropriately marketed for at least 12 months in order to confirm that there is no interest in the property or site for visitor accommodation use.
- 8.12 Supporting text (paragraph 8.56) of this policy states that where the case can be made that the visitor accommodation is not and cannot be made viable with investment, its loss may be acceptable. Evidence would be required, in terms of marketing and viability of existing uses. The preference is for conversion to residential use.

- 8.13 The previous application 21/02475/FUL was refused on the basis of the lack of evidence to demonstrate that visitor accommodation is no longer economically viable to be retained as such nor evidence provided to demonstrate that all reasonable efforts have been made to preserve the facility including marketing information to demonstrate that the guest house has been unsuccessfully marketed for at least 12 months.
- 8.14 In response to this refusal reason, the applicant has provided information to support the application, including a letter from their accountant, income statements and correspondence from the estate agent. Within the supporting letter, the applicant states that the property was originally purchased in an attempt to make the property profitable. Unfortunately, due to other competition within the area, particularly large hotel chains and the emergence of Airbnb, the business struggled. In 2020, the applicant decided to let it as long-term accommodation.
- 8.15 The accountant's letter states that the property was used as a B&B facility from 2012 until 2020. The attached accounts for years 2019 and 2020 demonstrate that only a very small profit was made, and it was only because of the applicant's other investment income that the business managed to continue. In the accountant's view, the operation of the property as a bed and breakfast was therefore not viable.
- 8.16 According to the estate agent's letter, the property was first advertised as a B&B in Summer 2018 and no interest from third parties was forthcoming.
- 8.17 Moreover, given the application site's location outside the City Centre (approximately 4 km distance), it is not considered that the loss of visitor accommodation would be detrimental the provision of suitable visitor facilities in convenient locations within the City.
- 8.18 Therefore, taking all this into account, it is considered that sufficient evidence has been provided to demonstrate that the existing visitor accommodation is no longer economically viable to be retained as such and all reasonable efforts have been made to preserve the facility. Therefore, the proposal is compliant with Policy 78 of the Local Plan 2018.

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

- 8.19 No external changes are proposed to the existing building. The applicant has undertaken some internal works to make the property suitable for use as an HMO. Cycle and bin storage are provided to the front of the site and additional cycle storage is proposed to the rear of the site which would be controlled by condition. Therefore, it is considered that the proposal is compliant with Policies 48, 55, 56 and 58 of Local Plan 2018.

## **Residential Amenity Impact**

### *Impact upon neighbouring amenities*

- 8.20 No external changes to the existing building are proposed. The existing lawful use of the building is as B&B accommodation, which comprised seven bedrooms plus three bedrooms for residential staff. Given that this is the case, it is not considered that the proposal would give rise to any significant noise and disturbance to surrounding occupiers compared to its use as visitor accommodation. Therefore, the proposal is compliant with Policies 48, 55, 56 (58) and 35 of the Cambridge Local Plan 2018.

### *Amenity for future occupiers*

- 8.21 No objections from the Environmental Health Officer have been received regarding the proposal. Whilst a third party representation concerning the potential for 22 occupants is acknowledged, given that the proposed HMO has already been assessed in terms of its suitability as a 11 person, 11 bedroom large HMO during the licensing assessment, and noting that bedroom floor areas either meet or exceed the residential space standards for single occupant bedrooms, with sufficient dining and kitchen facilities for the number of occupants, it is considered that there is sufficient internal space for private accommodation and communal living space. Therefore, subject to the limitation of the number of persons to a maximum of 11 people to be conditioned on any planning consent granted, the proposal is in accordance with Policy 50 and Policy 48 of the Local Plan 2018.

The outdoor amenity space is of an acceptable quality/amount to provide for rest, recreation and circulation for the proposed

11 occupants. Therefore, the proposal is compliant with Policy 48 and Policy 50 of the Local Plan 2018.

### **Highways Safety and Parking Provision**

- 8.22 No objections from the Local Highways Authority have been received regarding the proposal. The application site has adequate pedestrian and vehicular visibility and therefore would not result in significant highway safety impacts in accordance with the NPPF 2021.
- 8.23 The previous application 21/02475/FUL was refused on the basis of the inadequate three parking spaces as stated to be retained on the site and the potential pressure for on-street car parking. In response, the applicant has shown on the submitted plans that a total of 9 car parking spaces would be retained on site (including 1 disabled space).
- 8.24 Whilst the Local Plan Policy 82 and Appendix L does not explicitly provide indicative car parking requirements for HMO sui generis use, it is noted that the application site is situated in a fairly sustainable location with a bus stop located across the road and cycle storage located to the front of the site. In addition, it is understood that the HMO currently provides accommodation for key workers at the Addenbrookes site, which is within walking distance. Whilst third party comments concerning cars/vans on occasion having been parked on the grass verges, taking all this into account, the car parking facilities are considered to be an appropriate amount which would provide for the vast majority of occupants. Therefore, the proposal is in accordance with Policy 82 of the Local Plan 2018.
- 8.25 Ten cycle parking spaces comprising Sheffield stands are provided to the front of the site. Given the close proximity of this store to the entrance to the property, it is considered that the cycle store is appropriately located and is positioned to provide natural surveillance. Additional overflow cycle facilities are proposed to the rear of the site as shown on the plans submitted, comprising Sheffield stands, details of such will be conditioned on any planning consent granted. Therefore, subject to this condition, the stands would provide for 1 cycle space per bedroom in accordance with the standards within the Cycle Parking Guide for New Developments (2010) document.

## **Other matters**

- 8.26 Given that no external changes are proposed, and considerable outdoor amenity provision provided, it is not considered that any increased pressure on existing statutory protected trees would result from the proposal and is compliant with Policy 71 of the Local Plan 2018.
- 8.27 As no external changes are proposed, it is not considered that any increased flood risk would result from the proposal and is compliant with Policy 32 of the Local Plan 2018.
- 8.28 Whilst a third party representation has been received concerning previous extensions to the property in the past, given that these were assessed and permitted at the time, have already been built out and noting that these developments were carried out on the site over four years ago, and therefore immune from enforcement action, these are not considered to be material to this planning assessment.
- 8.29 Whilst a third party representation has been received concerning the expansion of use, overdevelopment of the site and nature of the proposal, the development is considered to meet the policies contained with the Local Plan 2018 and NPPF 2021.

## **Planning balance and conclusion**

- 8.30 In conclusion, the proposed development is in accordance with the policies contained within the Local Plan 2018.

## **9.0 Recommendation**

- 9.1 Officers recommend that the Planning Committee approve the application, 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 157 Shelford Road, Cambridge, CB2 9ND, shall be occupied by no more than 11 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 48 and 56).

3. The internal communal areas as shown on the approved drawings shall be retained for communal uses and used for no other purpose(s).

Reason: To ensure adequate internal communal space is provided for future occupants (Cambridge Local Plan 2018 policies 48 and 50).

4. Unless otherwise agreed in writing with the Local Planning Authority, within 6 months of this planning consent, hereby granted, three Sheffield stands shall be constructed to the rear of the site as shown on the Block Plan (1:500 scale) submitted and retained thereafter.

Reason: To ensure appropriate bicycle parking in accordance with Policy 82, Appendix L of the Cambridge Local Plan 2018.