
Application Number	22/00621/FUL	Agenda Item	
Date Received	10th February 2022	Officer	Laurence Moore
Target Date	7th April 2022		
Ward	Kings Hedges		
Site	49 College Fields Cambridge		
Proposal	Change of use from a small HMO (Use Class C4) to a 9 bed Large House in Multiple Occupation (use class sui generis) (re-submission of 21/04425/FUL)		
Applicant	c/o agent (Carter Jonas) One Station Square CB1 2GA		

SUMMARY	The development accords with the Development Plan for the following reason: The application proposes a change of use to a large HMO. Plans show sufficient internal living arrangements with regards to communal areas and bedrooms which meet space standards. The current application has addressed previous concerns, with larger internal communal areas alleviating the pressure of use on the rear garden, reducing the impact on neighbours. The property will be equipped with sufficient bin/bike stores to serve all tenants and is within close proximity to local shops and community facilities such as the public house. The property is situated within close proximity to sufficient public transport connections and active travel arrangements, supporting the reduced need for car parking. The property draws power from the existing solar PV, which is supported. Overall, the application (subject to
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	condition) will lead to 3 extra persons at the property, which is considered a marginal increase in use.
RECOMMENDATION	APPROVE (subject to conditions)

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is situated within College Fields, a residential development consisting of 2 ½ storey dwellings accessible via Woodhead Drive from Milton Road. The application site has been an established 6 person HMO for a considerable length of time.

1.2 The immediate context consists of large family homes within a spacious setting and areas of public open space adjacent the site. North of the site consists of residential dwellings along College Fields, whereas further north consists of Downhams Lane. East of the site consists of an area of open green space, and Woodhead drive. South of the site consists of residential dwellings, and further south consists of Milton Road and the Milton Arms public house. West of the site is a residential development, adjacent to the North Cambridge Academy playing fields. The Woodlands Care Centre is situated northwest of the site. The site is not situated within a conservation area, the site is not situated within the controlled parking zone.

2.0 THE PROPOSAL

2.1 This full planning application is for “*Change of use from a small HMO (use class C4) to a 9 bed Large House in Multiple Occupation (use class sui generis) (re-submission of 21/04425/FUL).*”

2.2 The application proposes a change of use to a 9 bed, large HMO. There are no external changes other than the addition of bin/cycle stores.

2.3 The application is accompanied by the following:

- ☐ Planning Statement
- ☐ Covering Letter
- ☐ Existing and Proposed Plans

- ☐ Existing and Proposed site plans
- ☐ Proposed Cycle Store Elevations

3.0 SITE HISTORY

Reference	Description	Outcome
21/04425/FUL	Change of use from a small HMO (use class C4) to a 9-bed large house in multiple occupation (use class sui generis).	Refused
20/01399/HFUL	Single storey rear extension, garage conversion, installation of roof dormer window to rear elevation and erection of bin and bike store in the garden area	Approved

4.0 PUBLICITY

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

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	48, 50
	55, 56, 58, 59
	80, 81, 82

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

Central Government Guidance	National Planning Policy Framework July 2021 National Planning Policy Framework – Planning Practice Guidance from 3 March 2014 onwards Circular 11/95 (Annex A)
Supplementary Planning Documents	Sustainable Design and Construction (2020)
Material Considerations	<u>City Wide Guidance</u> Air Quality in Cambridge – Developers Guide (2008) Arboricultural Strategy (2004) Cambridge City Council Draft Air Quality Action Plan 2018-2023 Cycle Parking Guide for New Residential Developments (2010)

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

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

Environmental Health

- 6.2** “The proposed floorplans indicate limited internal amenity space for occupants habiting 9 bedrooms. It is important to note that the increase in occupiers at the application site due to the

change to a 9-bed HMO would far surpass the likely occupation numbers of the current use and is therefore a significant intensification of use at the site. The development proposed is acceptable.”

7.0 REPRESENTATIONS

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

18, 28, 31, 45, 48 College Fields
2A Chalk Lane
85 Bishops Road

The objections can be summarised as follows:

- Internal living arrangements are too small
- Parking
- Noise
- Odour
- Rear amenity space too small for future tenants
- Character of Neighbourhood
- Overdevelopment
- Garage Wall insufficient for living accommodation
- Smoke
- Covenants
- Infrastructure is not adequate for increased occupancy
- Bins/sewage
- Saturation of use (too many HMOs)
- Bathroom facilities for future tenants
- Breach of Planning

7.2 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 the main issues are as follows:

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Highway safety

5. Car and cycle parking

Principle of Development

8.2 The application proposes a change of use to a 9 bed, large HMO. The Planning Statement accompanying the proposal confirms that the 9 bedrooms will serve 9 persons. Policy 48 of the Cambridge Local Plan 2018 supports applications for the development of HMOs where they:

a. do not create an over-concentration of such a use in the local area, or cause harm to residential amenity or the surrounding area;

b. the building or site (including any outbuildings) is suitable for use as housing in multiple occupation, with provision made, for example, for appropriate refuse and recycling storage, cycle and car parking and drying areas;

and c. will be accessible to sustainable modes of transport, shops and other local services.

8.3 Parts a, b and c of the policy above will be addressed within the following sections of this report.

Context of site, design and external spaces

Response to context

8.4 The application is for a change of use from a small HMO (6 persons) to a large, 9-bedroom (9 persons) HMO (sui generis use). The application includes proposed changes to internal arrangements for tenants and does not include plans to further develop the site with regards to internal floorspace.

8.5 The immediate context of the site consists of a residential area, primarily comprising of 2 ½ storey, family homes and areas of open green space.

8.6 Concerns have been raised regarding the large HMO aspect of the development, with commenting neighbours stating that the large HMO would be out of character with the family orientated residential area of College Fields. Comments from neighbouring

occupiers have also highlighted that the addition of an HMO within the area would lead to an over-concentration of HMOs.

- 8.7 There is an example of a large HMO within the area, with the property 8 College Fields, serving as a large HMO since approval was gained in 2015.
- 8.8 There are several small HMOs within the surrounding area, and one large HMO situated along College Fields. The exact number of small HMOs cannot be determined, as a change of use to small HMO does not require planning permission by virtue of *Schedule 2*, Part 3, Appendix L of the GPDO 2015 (as amended).
- 8.9 Given the property is already in HMO use, it is difficult to resist the principle of the proposed development because there would be no loss of a C3 dwellinghouse use. The proposal is compliant with policy 48 part a of the Cambridge local Plan 2018.

Residential Amenity

Amenity of Future occupiers

- 8.10 The impact on the amenity of future occupiers is to be considered below.
- 8.11 The previous application, 21/04425/FUL, was refused on the grounds that the internal living arrangements, regarding bedrooms and communal living spaces, were too small for the proposed use of the property for 9 individuals.
- 8.12 Paragraph 130 part f of the National planning Policy Framework states that decisions should “*create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.*”
- 8.13 This secondary application has adequately addressed the previous concerns, with the current proposals showing a larger communal living area with a floorspace of 27.2sqm, and a larger kitchen area equating to 20.1sqm of floorspace. The plans have

been amended through the progress of this application, and the agent has adequately addressed the concerns raised within the previous application, with regards to the size of internal communal living areas.

8.14 The proposed development will provide adequate living facilities for future tenants, in line with the HMO licensing agreement set by Cambridge City Council.

8.15 Concerns were raised with the previous application with regards to the limited size of bedrooms. The current application has addressed these concerns and all bedrooms within the proposed development will exceed the national minimum space standards, as outlined in policy 50 of the Cambridge local plan 2018. The size of each individual bedroom is outlined below:

Unit	Number of bed spaces (persons)	Policy Size requirement (m²)	Proposed size of unit	Difference in size
1	1	7.5	11.6	+4.1
2	1	7.5	9.88	+2.38
3	1	7.5	11.7	+4.2
4	1	7.5	11.2	+3.7
5	1	7.5	13.4	+5.9
6	1	7.5	9.9	+2.4
7	1	7.5	9.5	+2
8	1	7.5	Awaiting section from agent to confirm height of bedroom	-
9	1	7.5	Awaiting section from agent	-

			to confirm height of bedroom	
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8.16 Policy 50, paragraph 6.34 of the Cambridge Local Plan 2018 states:

External amenity space should be sufficient to accommodate:

- a table and chairs suitable for the size of dwelling;
- where relevant, provision of a garden shed for general storage (including bicycles where no garage provision or cycle storage to the frontage of the dwelling is possible);
- space for refuse and recycling bins;
- an area to dry washing; • circulation space; and
- an area for children to play in.

8.17 The application includes plans for an adequate amount of external amenity space for future tenants. The total amount of garden space equates to 59.9sqm, however, 13.84sqm of the proposed garden space will be utilised by the proposed bin and cycle stores, reducing the total amount of useable external amenity space to 46.06sqm, which is deemed a sufficient level of space for the maximum occupancy of the proposed development as outlined in Policy 50 paragraph 6.34 of the Cambridge local plan 2018.

8.18 Amended plans were requested by the officer, which have been received and have improved the level of outdoor residential amenity space available to future tenants, through the relocation of the proposed bin and cycle stores, to reduce the amount of un-usable amenity space present on site.

8.19 Concerns have been raised regarding the bathroom facilities included within the proposed development, with comments from neighbouring occupiers stating that there is an insufficient number of communal bathrooms for a property containing 9 individuals. The officer shares this view, and requested and has received amended plans from the applicant, showing the bathrooms to be accessible from corridors and hallways, as to provide adequate communal bathroom facilities for all tenants.

- 8.20 The internal living arrangements are considered suitable for the proposed 9-bedroom HMO and shall provide a high standard of amenity for future occupiers, and therefore the proposals are compliant with policies 48b, 50 and 56 of the Cambridge local plan 2018 and paragraph 130 part f of the NPPF.

Impact on amenity of Neighbouring Occupiers

- 8.21 Concerns have been raised regarding the ongoing concerns with noise at the property during its current use, and that the addition of 3 bedrooms will exacerbate the issues with noise witnessed by neighbouring occupiers.
- 8.22 Policy 48 of the Cambridge Local Plan (2018) states: *“appropriate management arrangements should be put in place in order to monitor and minimise antisocial behaviour and adverse impact on local residents. A condition to this effect may be applied to any planning consent.”*
- 8.23 The previous application was refused on the grounds that the internal living arrangements were small, potentially forcing future tenants to over-use the garden, putting residents in closer proximity to neighbouring occupiers. The current application has addressed the concerns with interior living arrangements, and the larger internal spaces will allow for less dependency on the garden space, reducing the negative impacts on neighbours.
- 8.24 Furthermore, the development will have to accord with Cambridge City Council’s licensing regime for HMOs which sets out mitigation measures for when complaints are received regarding noise and disturbance, allowing for formal warnings or eviction notices to be issued following the involvement of Environmental Health when a formal complaint is received. However, to further guarantee the amenity of neighbours will be protected, a management/maintenance plan will be required by condition, which must be submitted to and agreed in writing by the LPA prior to the occupation of the seventh bedroom. The Management Plan shall include arrangements for the management of all external areas, including bikes, bins, external parking and garden spaces and include daytime contact details for a manager / management company responsible for the property. The Management Plan shall be implemented in accordance with the approved details and

remain in force for as long as the property continues in HMO use.

- 8.25 Concerns have been raised regarding the cumulative impacts of the proposed development on waste management and drainage/sewage. The outcome of this application does not forgo the need for the development to meet building regulations with regards to drainage and sewage implications, and so these concerns will not be discussed further within this report. With regards to the concerns raised regarding the impacts on waste management, the applicant has provided a suitable enclosure for bin storage, which is situated less than 20 meters from the public highway. For the avoidance of issues arising from the increased waste management facilities required on site, a condition will be added to the decision notice, ensuring that the applicant provides a suitable Waste management strategy for the bin collection, to be submitted to and agreed in writing prior to the occupation of the development.
- 8.26 A site visit has been undertaken. Given the adjacent context, location, size, and design of the proposal, and in the absence of any external development, the proposals are unlikely to give rise to any significant amenity impacts in terms of overlooking, overshadowing, enclosure or overbearing.
- 8.27 The proposal is compliant with Local Plan policies 48b, 55, 56 and 58 (subject to condition(s) as appropriate).

Highway Safety

- 8.28 No objections have been received from the Local Highway Authority (LHA) on the grounds of highway safety.
- 8.29 The proposal is compliant with Cambridge Local Plan (2018) policy 81.

Car and Cycle Parking

- 8.30 The application includes proposals for the provision of no. 1 parking space. Concerns have been raised from neighbouring occupiers, and the Local Highways Department, regarding the likely cumulative impacts of extra cars being parked along College Fields.

- 8.31 The site is within close proximity to Milton Road, which is subject to adequate public transport opportunities and active travel arrangements leading to-and-from the City Centre. Furthermore, the applicant has provided details of the proposed cycle store, which will provide sufficient space to host no. 10 bicycles for future tenants and guests. For this reason, the future occupiers of the development are not considered to be dependent on the use of cars for travel, and so the development is considered compliant with policies 80, 81 and 82 of the Cambridge Local Plan 2018.
- 8.32 As stated above, the application site is within close proximity to the Milton Road-Kings Hedges Road junction, which is not only subject to the ample public transport connections and active travel arrangements which serve the site, but also shops and adequate community facilities such as the Golden Hind Public House. For this reason, the proposals adequately address the points included within policy 48-part c, requiring HMOs be accessible to sustainable modes of transport, shops, and other local services.
- 8.33 The proposals are compliant with policies 48c, 80, 81 and 82 of the Cambridge Local Plan 2018 and paragraph 130-part f of the National Planning Policy Framework (NPPF).

Other Matters

- 8.34 Concerns have been raised regarding the emittance of odour from the current site, with comments directed at the disruptive smells, such as smoke, which have been witnessed by neighbouring occupiers. The emittance of odours from tenants cannot be addressed by the LPA, as it is an environmental health concern. The LPA cannot comment on the likelihood of tenants to be smoking within the property, and/or within proximity to neighbouring occupiers, and complaints or concerns with regards to smoke and odour being emitted by tenants must be dealt with by Environmental Health.

9.0 CONCLUSION

- 9.1 It is considered that the principle of this application is acceptable as it meets the criteria outlined in Policy 48 of the Cambridge Local Plan 2018.

- 9.2 The proposed 9-bedroom HMO will be equipped with suitable living arrangements and facilities for a 9-bedroom property, with large internal communal areas, adequate external amenity space, bedrooms which meet space standards and a suitable number of communal bathrooms which are easily accessible.
- 9.3 The previous application was refused on the grounds that the small internal living arrangements would put excess pressure on the use of the garden, resulting in adverse impacts with noise and disturbance to the amenity of neighbouring occupiers. The new application has addressed these concerns, and the potential impacts on neighbouring occupiers has been significantly reduced.
- 9.4 The property is in close proximity to shops and community facilities and is appropriately located within proximity to sufficient public transport connections and active travel arrangements, supporting the developments reduced dependency on car use. Conditions are proposed in relation to the management of the property and the provision of bike and bins stores together with a cap on the number of occupants limiting it to 9.
- 9.5 The proposed development is therefore considered compliant with policies 28, 48, 50, 56, 58, 80, 81 and 82 of the Cambridge Local Plan 2018 and paragraph 130 part f of the NPPF, and is recommended by officers for approval.

10.0 RECOMMENDATION

APPROVE (subject to 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 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. 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.

3. Prior to the occupation of the 7th bedroom a scheme for the on-site storage facilities for domestic waste, including waste for recycling must be submitted to and approved in writing by the local planning authority. The scheme shall identify the specific positions of where wheeled bins, or any other means of storage, will be stationed and the specific arrangements to enable collection from within 10m of the kerbside of the adopted highway/ refuse collection vehicle access point. The approved scheme shall be carried out before the use is commenced and shall be retained as such.

Reason: To ensure that the need for refuse and recycling is successfully integrated into the development. (Cambridge Local Plan 2018 policy 57).

4. The property within the site edged red, known as 49 College Fields shall have no more than 9 people residing at any one time.

Reason: A more intensive use would need to be reassessed in interests of the amenity of neighbouring properties. (Cambridge Local Plan 2018 policies 56 and 48).

5. The internal communal areas as shown on the approved drawings shall be provided prior to occupation of the building for the proposed use and 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).

6. Prior to the occupation of the building for the proposed use, a Management Plan shall be submitted to and approved in writing by the local planning authority. The Management Plan shall include arrangements for the management of all external areas, including bikes, bins, external parking and garden spaces and include daytime contact details for a manager / management company responsible for the property. The Management Plan

shall be implemented in accordance with the approved details and remain in force for as long as the property continues in HMO use.

Reason: To protect the amenity of neighbouring occupiers. (Cambridge Local Plan (2018) policies 35, 48, 50).

7. The bin and bike stores associated with the proposed development shall be provided prior to the proposed use and in accordance with the approved layout plan and shall be retained thereafter.

Reason: To ensure provision of facilities for future occupiers (Cambridge Local Plan, 2018 policies 48, 82).

INFORMATIVES

1. Management of Houses in Multiple Occupation (HMOs)

Management Regulations apply to all HMOs (whether or not they are licensable) and impose certain duties on managers and occupiers of such buildings. Persons in control of or managing an HMO must be aware of and comply with the Management of Houses in Multiple Occupation (England) Regulations 2006. These regulations stipulate the roles and responsibilities of the manager and also the occupiers of HMOs. Further information may be found here:

<https://www.cambridge.gov.uk/houses-in-multiple-occupation>

2. Licensing

The Housing Act 2004 introduced Mandatory Licensing for Houses in Multiple Occupation (HMOs) across all of England. This applies to all HMOs occupied by five or more persons forming more than one household and a person managing or