



<b>Planning Committee Date</b>	7 December 2022
<b>Report to Lead Officer</b>	Cambridge City Council Planning Committee Joint Director of Planning and Economic Development
<b>Reference</b>	18/2013/FUL
<b>Site</b>	78 Arbury Road
<b>Ward / Parish</b>	Arbury
<b>Proposal</b>	Change of use to 9-bed HMO for 10 persons (sui generis)
<b>Applicant</b>	Aron Wong
<b>Presenting Officer</b>	Alice Young
<b>Reason Reported to Committee</b>	Third party representations
<b>Member Site Visit Date</b>	N/A
<b>Key Issues</b>	1. Principle of development 2. Residential Amenity 3. Parking
<b>Recommendation</b>	<b>APPROVE</b> subject to conditions

## 1.0 Executive Summary

- 1.1 The application seeks planning permission for the change of use of 78 Arbury Road (C3 use) to a 9-bed 10 person House of Multiple Occupation (sui generis). The application is solely for the change of use, not any extensions to the existing dwelling.
- 1.2 Officers conclude that the development would provide a good quality living environment for future occupiers without causing harm to the character of the area or surrounding residential occupiers. The site is located in a highly sustainable location with good access to bus and cycle links, alongside two district centres (Arbury Court and Arbury Road/ Milton Road) and associated facilities within walking distance. Therefore, officers consider that the site is in a location conducive to HMOs. Cycle parking is proportionate to the number of occupiers of the HMO and is safe, secure and conveniently located. In this sustainable location, the car parking proposed exceeds the maximum detailed in Appendix L. With these factors in mind, officers therefore consider that the proposed development would be acceptable.
- 1.3 Officers recommend that the Planning Committee approve the application.

## 2.0 Site Description and Context

None-relevant	x	Tree Preservation Order	
Conservation Area		Local Nature Reserve	
Listed Building		Flood Zone 1, 2, 3	
Building of Local Interest		Green Belt	
Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Controlled Parking Zone	
Local Neighbourhood and District Centre		Article 4 Direction	

- 2.1 78 Arbury Road (the site) comprises a two-storey semi-detached dwelling set within a long thin plot, with the dwelling set back approximately 14m from the street. The site falls outside the conservation area and controlled parking zone. The site falls within a predominately residential area aside from the North Cambridge Academy School to the north of the site and other services towards the Arbury Road / Milton Road junction.

## 3.0 The Proposal

- 3.1 The proposal seeks permission for the change of use from a C3 dwelling house to a 9-bed HMO for 10 persons (sui generis). The proposal does not include any extensions to the existing building, the development would

utilise the existing footprint. All bedrooms aside from bedrooms 7, 8 and 9 would have access to an ensuite shower room, with the remaining bedrooms being served by two communal bathrooms. A common room and kitchen would be provided to the back of building. An existing outbuilding would be converted into a cycle and bin store. Three car parking spaces are proposed at the front on the existing hardstanding.

#### 4.0 Relevant Site History

Reference	Description	Outcome
18/0838/CL2PD	Certificate of Lawfulness under section 192 for rear and side dormers, and velux windows to front elevation.	Certificate granted
06/1167/FUL	Conversion of a garage into a habitable room.	Permission not required

#### 5.0 Policy

##### 5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2019

Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design

Circular 11/95 (Conditions, Annex A)

Technical Housing Standards – Nationally Described Space Standard (2015)

Conservation of Habitats and Species Regulations 2017

Environment Act 2021

ODPM Circular 06/2005 – Protected Species

Equalities Act 2010

##### 5.2 Cambridge Local Plan 2018

Policy 1: The presumption in favour of sustainable development

Policy 3: Spatial strategy for the location of residential development

Policy 30: Energy-efficiency improvements in existing dwellings

Policy 31: Integrated water management and the water cycle

Policy 32: Flood risk  
Policy 35: Human health and quality of life  
Policy 36: Air quality, odour and dust  
Policy 48: Housing in multiple occupation  
Policy 55: Responding to context  
Policy 56: Creating successful places  
Policy 58: Altering and extending existing buildings  
Policy 59: Designing landscape and the public realm  
Policy 81: Mitigating the transport impact of development  
Policy 82: Parking management

### **5.3 Neighbourhood Plan**

N/A

### **5.4 Supplementary Planning Documents**

Biodiversity SPD – Adopted February 2022  
Sustainable Design and Construction SPD – Adopted January 2020  
Cambridgeshire Flood and Water SPD – Adopted November 2016  
Health Impact Assessment SPD – Adopted March 2011  
Landscape in New Developments SPD – Adopted March 2010

### **5.5 Other Guidance**

N/A

### **6.0 Consultations**

#### **6.1 County Highways Development Management – No objection**

6.2 The streets in the vicinity provide uncontrolled parking, and so, 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

#### **6.3 Environmental Health – No objection.**

6.4 Recommended informative: Low NOx Boilers Informative.

### **7.0 Third Party Representations**

7.1 5 representations have been received.

7.2 Those in objection have raised the following issues:

- Out of character, mainly family homes
- Noise and disturbance
- Overlooking / loss of privacy to the rear garden arising from the low boundary wall
- Highway safety
- Car parking, parking stress and visual impact on the street
- Cycle parking provision and impact on street
- Pollution
- Impact on sewers
- Refuse arrangements in the front garden would negatively impact upon the street and would smell
- Impact of smoking
- Mental health impact

## **8.0 Member Representations**

8.1 N/A

## **9.0 Local Groups / Petition**

9.1 Camcycle's previous objection regarding cycle provision has now been resolved. Drawing SG/7659/12/18 (confusingly named 'AMENDED BIN STORE') uploaded 13 Feb shows a compliant cycle park that resolves our objection.

9.2 The above representations are a summary of the comments that have been received. Full details of the representations are available on the Council's website.

## **10.0 Assessment**

### **10.1 Principle of Development**

10.2 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.

10.3 Policy 48 states that proposals for large houses of multiple occupation will be supported where the proposal: does not create an over-concentration of such a use in the local area, or cause harm to residential amenity or the surrounding area; 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 will be accessible to sustainable modes of transport, shops and other local services.

- 10.4 A review of the Councils evidence and site visit by the case officer indicates that there are a limited number of large HMOs within the vicinity. Therefore, the proposal would not create an overconcentration of large HMOs in the area.
- 10.5 The proposal for a large HMO would not significantly harm the residential amenity of neighbours; this is discussed in paragraphs 10.29-10.37.
- 10.6 Officers consider that adequate provision has been made for cycles, car parking and refuse which will also be discussed further in the relevant sections of the report.
- 10.7 The site is located in a highly sustainable location, situated within a short walking distance of local amenities and transport links which provides access to the rest of the city and surrounding area. As such the location is appropriate for HMO development.
- 10.8 Taking the above into account, the principle of the development is acceptable and in accordance with policies 3 and 48 of the Cambridge Local Plan (2018).

#### **10.9 Design, Layout, Scale and Landscaping**

- 10.10 Policies 55, 56, 57, 58 and 59 seek to ensure that development responds appropriately to its context, is of a high quality, reflects or successfully contrasts with existing building forms and materials and includes appropriate landscaping and boundary treatment.
- 10.11 The proposed development does not include any extensions to the existing building. The only external changes consist of fenestration changes to the ground floor north-western elevation and converting the existing outbuilding to a cycle store. These changes are minor and are not considered to alter the character of the dwelling or surrounding area.
- 10.12 A bin store is not shown on the plans but will be subject to condition.
- 10.13 The landscaping is proposed to remain as existing.
- 10.14 Overall, the proposed development is appropriate to its surroundings. The proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 58 and 59 and the NPPF.

#### **10.15 Highway Safety and Transport Impacts**

- 10.16 Policy 80 supports developments where access via walking, cycling and public transport are prioritised and is accessible for all. Policy 81 states that developments will only be permitted where they do not have an unacceptable transport impact.

- 10.17 Para. 111 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.18 The Highway Authority have no objections to the application and therefore officers consider that the proposal would not result in harm to the safe functioning of the highway.
- 10.19 Subject to conditions and S106 mitigation as applicable, the proposal accords with the objectives of policy 80 and 81 of the Local Plan and is compliant with NPPF advice.

## **10.20 Cycle and Car Parking Provision**

### 10.21 Cycle Parking

10.22 The Cambridge Local Plan (2018) supports development which encourages and prioritises sustainable transport, such as walking, cycling and public transport. Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with the cycle parking standards as set out within appendix L which for residential development states that one cycle space should be provided per bedroom for dwellings of up to 3 bedrooms. These spaces should be located in a purpose-built area at the front of each dwelling and be at least as convenient as car parking provision. To support the encourage sustainable transport, the provision for cargo and electric bikes should be provided on a proportionate basis.

10.23 The proposed cycle store, located in the rear garden, would provide 12 covered and secure cycle parking spaces. This is considered proportionate to the number of occupants as well as providing three additional spaces for guests. A condition is required to ensure the cycle parking is provided prior to occupation of the large HMO.

### 10.24 Car parking

10.25 Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with, and not exceed, the maximum car parking standards as set out within appendix L. Outside of the Controlled Parking Zone the maximum standard is 2 spaces per dwelling for 3 or more bedrooms.

10.26 The proposal provides three car parking spaces to the front of the dwelling, exceeding the maximum standards. However, a revised car parking plan detailing just two spaces could be secured via condition. This condition would meet all of the six tests of a planning condition and is acceptable. The Highway Authority expresses concerns regarding the additional car parking pressure on surrounding residential streets arising from the development. Yet, officers are satisfied that as the proposal is situated in a sustainable location, provides an adequate number of cycle

parking spaces and provides the maximum car parking spaces, the proposal would not result in parking stress.

10.27 The Greater Cambridge Sustainable Design and Construction SPD outlines the standards for EV charging at one slow charge point for each dwelling with allocated parking. As the development is not creating a new dwelling, there is not a policy requirement to deliver EV charging on site. Officers consider that a condition to secure this would not be reasonable to impose.

10.28 Subject to conditions, the proposal is considered to accord with policy 82 of the Local Plan.

**10.29 Amenity**

10.30 Policy 35, 48 and 58 seek to preserve the amenity of neighbouring and / or future occupiers in terms of noise and disturbance, overshadowing, overlooking or overbearing and through providing high quality internal and external spaces.

10.31 Neighbouring Properties

10.32 The proposal does not include any alterations to the building aside from the fenestration alterations to the ground floor north-western elevation. Officers therefore consider that, due to the nature of the works, the proposal would not result in any overbearing or overshadowing impact. A third party has raised concerns regarding overlooking and a loss of privacy due to the low boundary fencing on the southern boundary. A condition can secure details of boundary fencing to mitigate views into no. 76's rear garden.

10.33 Future Occupants

10.34 While the National Space Standards as detailed under policy 50 are not a requirement for HMOs, the below table shows the size of the bedrooms in comparison to the space standards:

<b>Bedroom</b>	<b>Policy Size requirement (m<sup>2</sup>)</b>	<b>Proposed bedroom size (m<sup>2</sup>)</b>	<b>Difference in size (m<sup>2</sup>)</b>
1	11.5	17	+5.5
2	11.5	22.1	+10.6
3	7.5	11.3	+3.8
4	11.5	15.5	+4
5	11.5	15.2	+3.7
6	11.5	17.2	+5.7
7	7.5	8.6	+1.1
8	11.5	12.8	+1.3
9	11.5	20	+8.5

- 10.35 HMO occupiers predominately, given the nature and pattern of use, are more dependent on the respective bedrooms for amenity than communal rooms. With this in mind, officers consider that the bedrooms provide a good level of amenity for future occupiers. The communal spaces comprise a living room and a separate kitchen, which total 27.4m<sup>2</sup>. This is considered sufficient to accommodate the proposed number of occupiers (9) without occupants spilling out into the rear garden and creating a harmful impact to adjacent residential occupiers. The garden is generous and would be sufficient size to cater for the needs of the future occupants.
- 10.36 Policy 35 guards against developments leading to significant adverse impacts on health and quality of life from noise and disturbance. Third parties have raised concerns as to the noise and disturbance impact arising from the comings and goings of the proposed 9 occupants. The General Permitted Development Order permits a dwelling (in C3 use) to change to a six person HMO without the need for planning permission. Therefore, the noise impact arising from the development is assessed on the 3 additional people beyond what you can do without planning permission. Officers acknowledge that the noise impact will be greater than a C3 use given the nature of the use and number of occupiers. However, the design enables sufficient space for occupiers internally, minimising the use of outside spaces. Cumulatively, officers consider that the noise impact would not be significant.
- 10.37 The proposal adequately respects the amenity of its neighbours and of future occupants and is considered that it is compliant with Cambridge Local Plan (2018) policies 35, 48 and 58.

### 10.38 Third Party Representations

- 10.39 The remaining third-party representations not addressed in the preceding paragraphs are summarised and responded to in the table below:

Third Party Comment	Officer Response
-Out of character, mainly family homes	The change of use would not impact upon the character of the area as the application site will remain in residential use. Permitted development allows C3 uses (dwellinghouses) to change to a small 6 person HMO (C4) without the need for planning permission. Officers consider that the additional 3 people would not harm the character of the area.
-Pollution	The Environmental Health Officer has not raised any objections to the application and would have assessed the impact on air quality. Officers therefore consider that the impact on air quality is not significant.

-Impact on sewers	The development would include additional bathrooms within the HMO. The impact on the existing drainage and sewer network will be considered at this stage.
- Impact of smoking	Individuals smoking is not a material planning consideration and cannot be controlled via planning. It is up to the manager of the HMO to address this concern.
- Mental health impact	Officers understand that planning applications can impact upon the mental health of surrounding residents and work to minimise this so far as possible within the LPAs remit. In reference to this planning application, officers have not identified significant harm to residential amenity and therefore, consider the impact on the mental health of surrounding occupiers arising from the development to be an acceptable level.

#### **10.40 Other Matters**

10.41 Bins

10.42 Policy 57 requires refuse and recycling to be successfully integrated into proposals.

10.43 Refuse would be situated adjacent to the proposed cycle store in the rear garden of the application site, within an acceptable dragging distance to Arbury Road for collection. A condition is required to ensure a refuse store is provided prior to occupation of the large HMO.

#### **10.44 Planning Balance**

10.45 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004).

10.46 Officers conclude that the development would provide a good quality living environment for future occupiers without causing harm to the character of the area or surrounding residential occupiers. Cycle parking is proportionate to the number of occupiers of the HMO and is safe secure and convenient located. In this sustainable location, the car parking proposed exceeds the maximum detailed in Appendix L. However, a condition will secure details of a revised car parking plan prior to occupation of the HMO. The proposal would contribute to housing supply

albeit in a limited way while resulting in no significant harm. Officers have not identified any harm arising from the development and therefore, the benefits far outweigh the harm of the development.

10.47 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval subject to conditions.

#### **10.48 Recommendation**

10.49 **Approve** subject to:

-The planning conditions as set out below with minor amendments to the conditions as drafted delegated to officers.

#### **11.0 Planning 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 The property shown as 78 Arbury Road shall be occupied by no more than 10 no. 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 56 and 48).

4 The development shall not be occupied or the permitted use commenced, until cycle parking store has been provided in full accordance with plan reference SG/7659/12/18 sheet 12.

Reason: To ensure appropriate provision for the secure storage of bicycles, to encourage biodiversity and slow surface water run-off (Cambridge Local Plan 2018 policies 31 and 82).

5 The development, hereby permitted, shall not be occupied or brought into use until the car parking has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local

Planning Authority. The approved scheme shall detail no more than 2 car parking spaces. It shall thereafter be implemented and retained as such.

Reason: In the interests of highway safety (Cambridge Local Plan 2018 policy 81).

- 6 The development, hereby permitted, shall not be occupied or brought into use until full details of the refuse arrangements for the proposed development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented and retained as such.

Reason: To ensure appropriate provision for the secure storage of bicycles and refuse, to encourage biodiversity and slow surface water run-off (Cambridge Local Plan 2018 policies 31 and 82).

- 7 No development above ground level, other than demolition, shall commence until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatments (including gaps for hedgehogs) to be erected. The boundary treatment for each dwelling shall be completed before that/the dwelling is occupied in accordance with the approved details and retained as approved thereafter.

Reason: To ensure an appropriate boundary treatment is implemented in the interests of visual amenity and privacy (Cambridge Local Plan 2018 policies 55, 57 and 59).

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#### Background Papers:

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- Cambridge Local Plan 2018
- Cambridge Local Plan SPDs