



<b>Planning Committee Date</b>	10 January 2024
<b>Report to</b>	Cambridge City Council Planning Committee
<b>Lead Officer</b>	Joint Director of Planning and Economic Development
<b>Reference</b>	23/04248/FUL
<b>Site</b>	122 Union Lane
<b>Ward / Parish</b>	East Chesterton
<b>Proposal</b>	Ground Floor Rear Extension and Change of Use from C4 (6-Bed HMO) to Sui Generis (7-Bed HMO) Resubmission of 23/03520/FUL
<b>Applicant</b>	OpenArch Greenside Ltd
<b>Presenting Officer</b>	Tom Chenery
<b>Reason Reported to Committee</b>	Third party representations
<b>Member Site Visit Date</b>	N/A
<b>Key Issues</b>	1. Noise Impact
<b>Recommendation</b>	<b>APPROVE</b> subject to conditions

## 1.0 Executive Summary

- 1.1 The application seeks planning permission for a ground floor rear extension and change of use from C4 (6-Bed HMO) to Sui Generis (7-Bed HMO) (Resubmission of 23/03520/FUL)
- 1.2 The proposed single storey extension would allow for the change of use and increase in maximum occupancy to seven individuals in seven bedrooms, which is considered a marginal increase in the use of the property. The proposed change of use to a large-scale HMO is not considered to have any adverse impact on the character of the area.
- 1.3 The proposed HMO meets the space standards set out in Policy 50 of the Local Plan and provides a suitably sized internal amenity space and garden.
- 1.4 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	
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	

\*X indicates relevance

- 2.1 The existing site is a six bedroom, six person HMO situated on Union Lane within East Chesterton. Union Lane has a mixed form of predominantly residential properties set in linear plots with reasonable sized garden areas. To the south east of the plot is Codon Court, a three storey building serving six flats. Codon Court is set to the rear of the plot, back from the established building line.
- 2.2 The application site, no. 122 Union Lane, is a detached dwelling with car parking to the front, set at the Milton Road end of Union Lane, on the north eastern side of the Highway. There are no site constraints.

### **3.0 The Proposal**

- 3.1 The application seeks planning permission for a Ground Floor Rear Extension and Change of Use from C4 (6-Bed HMO) to Sui Generis (7-Bed HMO) Resubmission of 23/03520/FUL.
- 3.2 The proposed single storey rear extension will extend approximately 4 metres from the rear elevation and is approximately 4.5 metres in width with a flat brown roof. The proposed materials are brick and upvc windows to match existing.
- 3.3 The addition of the single storey extension will allow for additional bedroom to increase the occupancy of the HMO from six persons to seven persons, change the use to a large HMO. Internal works for proposed, these include the conversion of the existing living room into a bedroom and the additional of en-suites to the bedrooms.
- 3.4 An additional cycle and bin store are proposed in the front garden.

### **4.0 Relevant Site History**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
23/03520/FUL	Ground Floor Rear Extension and Change of Use from C4 (6-Bed HMO) to Sui Generis (8-Bed HMO) Ground Floor Rear Extension and Change of Use from C4 (6-Bed HMO) to Sui Generis (8-Bed HMO)	Withdrawn

### **5.0 Policy**

#### **5.1 National**

National Planning Policy Framework 2023

National Planning Practice Guidance

National Design Guide 2021

Environment Act 2021

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

Technical Housing Standards – Nationally Described Space Standard (2015)

#### **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 29: Renewable and low carbon energy generation  
Policy 30: Energy-efficiency improvements in existing dwellings  
Policy 31: Integrated water management and the water cycle  
Policy 35: Human health and quality of life  
Policy 48: Housing in multiple occupation  
Policy 50: Residential space standards  
Policy 55: Responding to context  
Policy 56: Creating successful places  
Policy 58: Altering and extending existing buildings  
Policy 82: Parking management  
Policy 85: Infrastructure delivery, planning obligations and Community Infrastructure Levy

### **5.3 Supplementary Planning Documents**

Biodiversity SPD – Adopted February 2022  
Sustainable Design and Construction SPD – Adopted January 2020  
Cambridgeshire Flood and Water SPD – Adopted November 2016

### **6.0 Consultations**

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

6.2 No objection. No significant adverse effect upon the Public Highways should result from this proposal. Whilst the Highway Authority has no objection to the proposal it is worth noting that as the streets in the vicinity of the application site 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.

6.3 The development may therefore impose additional parking demands upon the on-street parking demands upon the on-street parking on the surrounding streets.

#### **6.4 Environmental Health – No Objection**

6.5 The development is acceptable subject to a condition regarding construction hours. An informative regarding HMO licensing is recommended.

### **7.0 Third Party Representations**

7.1 1 representations have been received, raising the following issues:

- Shares a drain not shown on the plan
- Noise from amenity space

7.2 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.

## **8.0 Assessment**

### **8.1 Principle of Development**

8.2 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.

8.3 The proposal would contribute to housing supply and thus would be compliant with policy 3.

8.4 The application proposes a change of use to a Large House in Multiple Occupation (HMO). The plans show the property is currently subdivided into six bedrooms and an extension is proposed for the addition of an extra bedroom, subject to condition, to serve a maximum occupancy of seven persons.

8.5 Policy 48 of the Cambridge Local Plan 2018 supports applications for development of HMO's 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;

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

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

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

8.8 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.

8.9 Union Lane has a mixed form of development which are set of predominantly linear plots with reasonable sized garden area. No. 122,

towards the Milton Road end of Union Lane, on the north eastern side, are predominantly semi-detached or detached dwellings with car parking to the front.

- 8.10 The proposed single storey rear extension, projects approximately 4 metres from the rear elevation and is approximately 4.5 metres in width with a flat brown roof. The height of the roof is approximately 3.1 metres.
- 8.11 The proposed extension is considered to be of an acceptable size and scale, and would not be excessively prominent within the street scene to result in any significant visual impact. In addition, the proposal would fall within the scope of Permitted Development, as set out in the General Permitted Development Order 2015, Schedule 2, Part A.
- 8.12 In design terms, the proposal is compliant with Cambridge Local Plan (2018) policies 28, 55, 56 and 58.
- 8.13 The application proposes an increase in the number of bedrooms at the property from six bedrooms to seven bedrooms, creating a seven person occupancy. The increase in the occupancy to seven individuals is considered acceptable given the proposed size of the property and is not considered to give rise to any adverse impact on the character of the area and is therefore compliant with policies 48, 55, 56 and 58 of the Local Plan 2018.
- 8.14 A condition would be added to any permission granted, restricting the maximum occupancy of the HMO proposed to seven persons.
- 8.15 There is no record of any large HMOs located on Union Lane. For this reason, it is not considered that there is an over-concentration of large HMOs in the area, and so the change of use of the property to a large-scale HMO as proposed is not considered to give rise to any adverse impacts on the character of the area.
- 8.16 The development is therefore considered compliant with Policy 48(a) of the Local Plan.
- 8.17 The application site is situated on Union Lane and is within an area with good public transport connections and ample active travel arrangements, for this reason the development is considered to be situated within a sustainable location, and so the application is compliant with Policy 48(c) of the Local Plan.
- 8.18 Overall, the proposed development is a high-quality design that would contribute positively to its surroundings and be appropriately landscaped.
- 8.19 The proposal is compliant with Cambridge Local Plan (2018) policies 48(a) and (c), 55, 56 and 58 and the NPPF.

## **8.20 Water Management and Flood Risk**

- 8.21 Policies 31 and 32 of the Local Plan require developments to have appropriate sustainable foul and surface water drainage systems and minimise flood risk. Paras. 159 – 169 of the NPPF are relevant.
- 8.22 The proposed extensions will utilise the existing drainage connections to the host dwelling and the scheme will allow for minor changes to the existing garden. Therefore, it is considered unnecessary to request surface or foul water drainage schemes in this case.
- 8.23 Officers note the comments regarding the drain not being shown on the plan and concerns regarding the increase in use with the number of en-suite bathrooms.
- 8.24 As the building utilises existing drains no concern is raised in planning terms and connections to the drainage system is a requirement for Building Regulations to be obtained which help ensure works are in accordance with legislation.
- 8.25 The proposal is in accordance with Local Plan policies 31 and 32 and NPPF advice.

### **8.26 Highway Safety and Transport Impacts**

- 8.27 Policy 80 supports developments where access via walking, cycling and public transport are prioritised and is accessible for all.
- 8.28 Policy 81 states that developments will only be permitted where they do not have an unacceptable transport impact.
- 8.29 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.
- 8.30 The Local Highways Authority have no objections to the proposal. Access to the site would remain the same as the existing arrangements and therefore no concerns on highway safety stem from the proposed access arrangements.
- 8.31 The proposal accords with the objectives of policy 80 and 81 of the Local Plan and is compliant with NPPF advice.

### **8.32 Cycle and Car Parking Provision**

- 8.33 Cycle Parking
- 8.34 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.

- 8.35 The application proposes an additional cycle storage unit to the front of the property. In total there will be provision to securely store 8 cycles to the front of the property. Details of the storage of bicycles have been provided which is considered sufficient. A compliance condition would form part of any planning consent to ensure that the storage is provided prior to occupation of the change of use.
- 8.36 The provision of bicycle storage is deemed acceptable and in line with the requirements of policy 82 and Appendix L of the Cambridge Local Plan, subject to conditions.
- 8.37 Car parking
- 8.38 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 no more than 1.5 spaces per dwelling for up to 2 bedrooms and no less than a mean of 0.5 spaces per dwelling up to a maximum of 2 spaces per dwelling for 3 or more bedrooms. Car-free and car-capped development is supported provided the site is within an easily walkable and cyclable distance to a District Centre or the City Centre, has high public transport accessibility and the car-free status can be realistically enforced by planning obligations and/or on-street controls.
- 8.39 The application proposes no off-street car parking spaces. Union Lane is in close proximity to public transport links to the city centre and the area is equipped for active travel arrangements. For these reasons, the site is considered to be situated within a sustainable location and therefore is not deemed car dependant.
- 8.40 The Local Highways Authority have highlighted that the increase in occupancy of the property to seven persons will increase the demand for on-street car parking on Union Lane.
- 8.41 When considering that the proposal seeks to increase the occupancy by one person, the proposal is not considered to have a significant impact on the demand in parking. Furthermore, when considering the sustainable location of the site due to its proximity to public transport links and active travel arrangements, providing access to local shops and the city centre, it is not deemed to be a car dependant location. Therefore, the proposed increase in occupancy is not considered to cause a significant demand in parking on the surrounding streets.



8.42 Subject to conditions, the proposal is considered to accord with policy 82 of the Local Plan and the Greater Cambridge Sustainable Design and Construction SPD.

### **8.43 Amenity**

8.44 Policy 35, 50, 52, 53 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.

### **8.45 Neighbouring Properties**

8.46 The proposed single storey rear extension, given the overall projection, separation and siting, is not considered to give rise to any harm to the adjacent neighbours in terms of overlooking, loss of light or overbearing impact.

8.47 The proposal adequately respects the residential amenity of its neighbours and the constraints of the site and is compliant with Cambridge Local Plan (2018) policies 56, 58 and 35.

### **8.48 Future Occupants**

8.49 Policy 50 of the Cambridge Local Plan (2018) requires all new residential units to meet or exceed the Government's Technical Housing Standards – Nationally Described Space Standards (2015). While there is no standard for specifically for HMOs, these standards can be used as a guide to assess the amenity provided for HMO residents in accordance with policy 48.

8.50 The gross internal floor space measurements for bedrooms in this application are shown in the table below:

<b>Unit</b>	<b>Number of bed spaces (persons)</b>	<b>Policy Size requirement (m<sup>2</sup>)</b>	<b>Proposed size of unit</b>	<b>Difference in size</b>
1	1	7.5	9.2	+2
2	1	7.5	10.8	+3.3
3	1	7.5	8.6	+1.1
4	1	7.5	7.5	0
5	1	7.5	8.6	+1.1
6	1	7.5	12.2	+4.7
7	1	7.5	8	+0.5

8.51 All the bedrooms meet the space standards set out within Policy 50 of the Local Plan. The proposed communal area is considered sufficient to meet

the provisions required by licencing and the space can suitably accommodate seven persons.

8.52 Garden Size(s)

8.53 Policy 50 of Cambridge Local Plan (2018) states that all new residential units will be expected to have direct access to an area of private amenity space which should be of a shape, size and location to allow effective and practical use of the intended occupiers.

8.54 The rear garden will be approximately 95 square metres, which is deemed to be suitable for accommodating table/chairs for maximum occupancy, circulation space and space to hang washing. The proposal is therefore compliant with policy 48 of the Local Plan.

8.55 Construction and Environmental Impacts

8.56 Policy 35 guards against developments leading to significant adverse impacts on health and quality of life from noise and disturbance. Noise and disturbance during construction would be minimized through conditions restricting construction hours and collection hours to protect the amenity of future occupiers. These conditions are considered reasonable and necessary to impose.

8.57 The Council's Environmental Health team have assessed the application and consider that the proposal is acceptable subject to a condition regarding construction hours.

8.58 The increase in maximum occupancy from six to seven persons is considered a marginal increase in use and is not considered to exacerbate issues with noise.

8.59 Whilst the addition of one additional tenant has raised concerns from neighbouring occupiers, their concerns stem largely from noise emittance from the garden of the HMO.

8.60 The proposed development would represent a small increase in the number of occupants and allows for a sufficient internal amenity space. Officers do not consider that the proposal would force people into the external amenity area resulting in significant noise increase, noting the minor increase in occupants, which would be sufficient enough to negatively impact quality of life.

8.61 Summary

8.62 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, 50, and 58.

### **8.63 Third Party Representations**

8.64 The third-party representations have been addresses in the preceding paragraphs.

### **8.65 Other Matters**

8.66 Bins

8.67 The garden to the front of the property is considered to be adequate to store the required number of bins for the proposed HMO. Plans submitted show the proposed store. A compliance condition is recommended to ensure the store is provided prior to occupation.

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

### **8.69 Planning Balance**

8.70 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).

8.71 The proposed development is appropriate for its location and is in keeping with the character of the immediate context while creating a good quality living environment for future occupiers.

8.72 The development will positively contribute to the supply of residential accommodation available to the public within Cambridge.

8.73 Third party representations have raised concern regarding the proposal impact on noise and disturbance to neighbouring occupiers due to the increase in occupancy. Officers consider that the proposed internal amenity space is sufficient in size to accommodate the requirements of licencing for large HMOs. Furthermore, all the bedrooms exceed space standards which reduces the reliance on shared spaces. Overall, it is considered that the increase in one person will not exacerbate the use of the garden by future occupiers.

8.74 Third party representations have also raised concern regarding the proposals impact on the drains with the increase in occupants and en-suite bathrooms. When considering that the proposal seeks to increase the occupancy by one person it is not considered to have a significant impact on the drains and this would be reviewed by Building Control.

8.75 The proposed development is not considered to adversely affect the amenity of neighbouring occupiers.

8.76 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.

## **9.0 Recommendation**

### **9.1 Approve** subject to:

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

## **10.0 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.

*Plans to be listed:*

*P(00)01 (Site Location Plan)*

*P(2-)02 P04 (Proposed Site Plan and Floor Plans)*

*P(2-)01 P04 (Proposed Elevations)*

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 bin and bike stores associated with the proposed development, including any planting associated with a green roof, shall be provided prior to first occupation in accordance with the approved plans and shall be retained thereafter. Any store with a flat or mono-pitch roof shall incorporate, unless otherwise agreed in writing by the local planning authority, a green roof planted / seeded with a predominant mix of wildflowers which shall contain no more than a maximum of 25% sedum planted on a sub-base being no less than 80 millimetres thick.

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).

- 4 The application site shall have no more than seven [7] people residing within it 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 No construction or demolition work shall be carried out and no plant or power operated machinery operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, , unless otherwise previously agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2018 policy 35).

#### Informative

- 1 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. This property currently has a HMO licence for 6 persons in 6 households. If this planning application is approved, this will increase the number of tenants and therefore a variation of the current HMO licence must be applied for. A person managing or controlling an HMO commits an offence if, without reasonable excuse, he fails to apply for, or vary the existing licence. It is, therefore, in your interest to apply to vary the licence. Further information may be found here:

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