



<b>Planning Committee Date</b>	7 February 2024
<b>Report to</b>	Cambridge City Council Planning Committee
<b>Lead Officer</b>	Joint Director of Planning and Economic Development
<b>Reference</b>	23/04342/S73
<b>Site</b>	45 Leete Road Cambridge Cambridgeshire CB1 9HB
<b>Ward / Parish</b>	Cherry Hinton
<b>Proposal</b>	S73 to vary condition 2 (Approved plans) of planning permission 23/00455/FUL (Change of use to large 7 bed HMO (7 persons) sui generis. Rebuild and extend existing garage to bedroom 7 including change to pitch roof, and two storey rear extension. (First floor rear extension, bedroom 6, previously approved under 20/01261/FUL)) adjustments to accommodate different site boundary and changes to the internal layout.
<b>Applicant</b>	Mr Stephane Lee /Lullox
<b>Presenting Officer</b>	Melissa Reynolds
<b>Reason Reported to Committee</b>	Third party representations
<b>Member Site Visit Date</b>	N/A
<b>Key Issues</b>	<ol style="list-style-type: none"><li>1. Principle of development</li><li>2. Design, Layout, Scale and Landscaping</li><li>3. Car parking</li><li>4. Residential Amenity</li></ol>
<b>Recommendation</b>	<b>APPROVE</b> subject to conditions.

## 1.0 Executive Summary

- 1.1 The application seeks approval under S73 to make minor material amendments to an extant permission (ref. 23/00455/FUL). The proposals seek to revise the approved drawings referenced in condition 2 (Approved plans). The original permission was for 'Change of use to large 7 bed HMO (7 persons) sui generis. Rebuild and extend existing garage to bedroom 7 including change to pitch roof, and two storey rear extension. (First floor rear extension, bedroom 6, previously approved under 20/01261/FUL). The adjustments are to accommodate slightly smaller site boundary and changes to the internal layout.
- 1.2 Officers recommend that the Planning Committee **approve** the application with conditions.

## 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 The application site is a two-storey, end-terraced house located on the west side of Leete Road. The surrounding area is predominately residential and does not fall within a Conservation Area or a Controlled Parking Zone.
- 2.2 Leete Road is a residential area dating from the mid-20<sup>th</sup> Century. Along the western side of the street is a verge, with crossing to individual access points. This verge is interspersed with ornamental street trees, although this is none outside the application site. The eastern side of the road repeats this arrangement, although opposite the site there is a double verge interspersed with ornamental street trees where the house are set further back from the street. To the rear of the site (west) the site abuts Cherry Hinton Recreation Ground. A treed boundary marks this.

## 3.0 The Proposal

- 3.1 This application seeks approval of:

'S73 to vary condition 2 (Approved plans) of planning permission 23/00455/FUL (Change of use to large 7 bed HMO (7 persons) sui

generis. Rebuild and extend existing garage to bedroom 7 including change to pitch roof, and two storey rear extension. (First floor rear extension, bedroom 6, previously approved under 20/01261/FUL)) adjustments to accommodate different site boundary and changes to the internal layout’.

3.2 The application seeks to replace plans referenced under condition two of extant planning permission ref. 23/00455/FUL. The revisions sought are:

- Revised design to reflect a corrected red line boundary – a small area at the rear of the existing building has been removed from the red line adjacent to the boundary with the adjoining house at no. 47 Leete Road. This appears, from observations made during the officer’s site visit and from the revised plans, to be part of the property at no. 47. The rear extension will be sited approximately 0.6m away from the main wall of the house at no. 47 to accommodate this revised red line.
- Minor changes to the internal layout including: Stepping bedroom 5 away from the boundary with no. 47 and increasing the depth by 0.3m from approximately 1.3m to 1.6m.
- Minor revisions to the layout of bedrooms and ensuites to rooms 3, 4, and 6 (first floor) to improve the internal layout.

#### 4.0 Relevant Site History

Reference	Description	Outcome
23/00455/FUL	Change of use to large 7 bed HMO (7 persons) sui generis. Rebuild and extend existing garage to bedroom 7 including change to pitch roof, and two storey rear extension. (First floor rear extension, bedroom 6, previously approved under 20/01261/FUL).	Permitted
22/02596/FUL	Change of use to large 7 bed HMO (7 persons) sui generis. Rebuild and extend existing garage to bedroom 7 including changing to pitch roof. First floor rear extension (bedroom 6, previously approved under 20/01261/FUL).	Withdrawn
21/05578/FUL	Change of use to large 7bed HMO (7 persons) sui generis. Rebuild and extend existing garage to bedroom 7 including changing to pitch roof. First floor rear extension (bedroom 6,	Withdrawn

previously approved under  
20/01261/FUL).

20/01261/FUL	First floor rear extension	Permitted
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- 4.1 The application follows approval of a two-storey rear extension in 2020 and subsequent application to change the property from a single dwelling to a Housing of Multiple Occupation (HMO). The application approved under reference 23/00455/FUL has been implemented and this permission is thereby extant.

## **5.0 Policy**

### **5.1 National**

National Planning Policy Framework 2023

National Planning Practice Guidance

National Design Guide 2021

Environment Act 2021

Technical Housing Standards – Nationally Described Space Standard (2015)

Circular 11/95 (Conditions, Annex A)

### **5.2 Cambridge Local Plan 2018**

Policy 1: The presumption in favour of sustainable development

Policy 37: Cambridge Airport Public Safety Zone and Air Safeguarding

Policy 48: Housing in multiple occupation

Policy 50: Residential space standards

Policy 51: Accessible homes

Policy 55: Responding to context

Policy 56: Creating successful places

Policy 57: Designing new buildings

Policy 58: Altering and extending existing buildings

Policy 59: Designing landscape and the public realm

Policy 80: Supporting sustainable access to development

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

## **5.5 Other Guidance**

Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Cycle Parking Guide for New Residential Developments (2010)

## **6.0 Consultations**

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

6.2 The conditions sought by the Highway Authority and required by the Planning Authority under application 23/00455/FUL are requested to be re-imposed.

### **6.3 Environmental Health – No Objection**

6.4 The development proposed is acceptable subject to the imposition of a condition for construction hours and informatives re. Housing Health & Safety Rating System, Management of HMOs, and Licencing.

## **7.0 Third Party Representations**

7.1 One representation has been received. The objector raised the following issue:

-Car parking and parking stress

## **8.0 Member Representations**

8.1 Not applicable.

## **9.0 Local Interest Groups and Organisations / Petition**

9.1 Not applicable.

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 Planning Background**

10.2 This application seeks minor material amendments to an approved development that has extant planning permission. In line with national guidance and legislation, as this is a S73 application, members should direct their consideration of the application to the merits of the changes between the schemes rather than seek to reconsider all issues afresh.

### **10.3 Principle of Development**

- 10.4 The principle that the development proposed is acceptable has been established through the granting of planning ref. 23/00455/FUL. The impact of the revised layout is considered below, however, the principle of the development is acceptable and in accordance with policies 3 and 48 of the Cambridge City Local Plan (2018). The existing permission, which established the principle, is extant.

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

- 10.6 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.
- 10.7 The application proposes the change of use of 45 Leete Road to a large 7-bedroom HMO (7 persons) sui generis. Rebuild and extend existing garage to bedroom 7, including change to pitch roof, and two-storey rear extension.
- 10.8 The revisions do not change the impact on the adjoining property at no. 47, as the relationship to its closest rear window is not significantly altered by the amended design. A 45-degree angle is maintained from the centre of the closest window to the first-floor rear extension.
- 10.9 As per the original application, the bin store proposed has not changed. The applicant has demonstrated that there is suitable space for the provision of bins, and so the design and exact siting of the bin stores will be dealt with via condition, as with the extant permission.
- 10.10 Overall, the proposed development is a high-quality design that would contribute positively to its surroundings and be appropriately landscaped. The proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 57, and 59 and the NPPF.

### **10.11 Highway Safety and Transport Impacts**

- 10.12 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.
- 10.13 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.

- 10.14 Access to the site is from Leete Road via an existing crossover.
- 10.15 The application has been subject to formal consultation with Cambridgeshire County Council's Local Highways Authority, which raises no objection to the proposal subject to applying the original permission's highways related conditions. These cover pedestrian visibility splays and driveway construction to avoid water draining onto the public highway.
- 10.16 An informative advising that the grant of permission does not constitute permission or licence for the developer to carry out works in the public highway has also been requested.
- 10.17 The extant permission did not include the requested pedestrian visibility splays. This was on the basis that there is an open setting to the site's frontage and therefore was considered unnecessary. Furthermore, the driveway is existing and serves vehicular parking, so was considered onerous and unreasonable.
- 10.18 The suggested condition relating to driveway levels and materials was added and is again recommended.
- 10.19 Subject to conditions 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 Car parking for two cars and cycle parking for eight bicycles is proposed as per the extant approval.

### **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 application proposals include a secure cycle store at the front of the site, with parking for eight bicycles. This is sufficient for the proposed seven occupants of the proposed HMO and complies with Policy 82.

### **Car parking**

10.24 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. The site is outside of the Controlled Parking Zone, where 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.

10.25 The application proposes two car parking spaces on-site. This accords with the standard set in Policy 82. It is noted that while the LHA did not object to the previous application it did note that:

‘...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 and 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.’

Noting the objection received on this matter in relation to the current proposals, the officer’s report previously considered the proposal’s impact on the area and, while not specifically referencing on-street car parking, did note that the increase from a 6-bedroom to a 7-bedroom HMO was unlikely to have any adverse impact on the character of the area and was therefore compliant with policies 48, 55, 56 and 58 of the local plan. As the current proposals do not increase the number of occupants it is considered this remains unaltered.

10.26 The permission for the first-floor rear extension did also address this matter. In the report on that application the officer noted that ‘The applicant has suggested the existing building is currently used for a small HMO which does not require planning permission. Parking provision and impact on existing parking arrangement is not part of material planning considerations for applications for householder extensions. However, during the site visit, officers were aware cars were parking on grass verge on Leete Road. Therefore, an informative would be attached to suggest no vehicles should park on grass verge’. That permission was issued with that informative, which can also be included.

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

### **Amenity**



- 10.28 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.

#### Neighbouring Properties

The minor revision to the rear first floor extension will not result in a significant impact on the amenities of no. 47, the adjoining house. By stepping the extension away from the boundary, although the depth increases marginally (30cm), a 45-degree angle is maintained. The impact on light and overbearing will not be significantly altered from the original approval.

#### Future Occupants

- 10.29 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).
- 10.30 The gross internal floor space measurements for units in this application are as per the approved proposals and are shown in the table below:

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m <sup>2</sup> )	Proposed size of unit	Difference in size
1	1	1	1	7.5	12.7m	+5.2
2	1	1	1	7.5	7.7	+0.2
3	1	1	1	7.5	8	+0.5
4	1	1	1	7.5	8.6	+1.1
5	1	1	1	7.5	8.5	+1
6	1	1	1	7.5	10.9	+3.2
7	1	1	1	7.5	12	+4.5
HMO	7	7	2	130.5	140.7	+10

- 10.31 Policy 50 paragraph 6.32 states that residential units created through conversions should seek to meet or exceed the internal space standards as so far as practicable to do so. All bedrooms meet the space standard.
- 10.32 The proposed communal area is unaltered and is considered sufficient to meet the provisions required by licencing and the space can suitably accommodate seven persons.

#### Garden Size

- 10.33 The external amenity space proposed is unchanged from the extant permission and measures approximately 154sqm.

10.34 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. 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.

10.35 Summary

10.36 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, 50, 51, 52, 53, 57 and 58.

### **10.37 Other Matters**

Bins

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

10.39 The application proposal is as per the approved scheme. This was considered too tall at 2m high in the streetscene. A condition requiring details to be submitted was included and is considered to still be necessary.

### **10.40 Planning Balance**

10.41 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).

10.42 Summary of harm

10.43 A third-party representation has raised concern that the proposal will increase parking on-street, including on verges along Leete Road. The proposals do not alter the likely impact over that of the extant permission. The dwelling has been in use as a small HMO of six-bedrooms. An additional room is not likely to significantly alter this impact. An additional informative can be added about not parking on verges.

10.44 Summary of benefits

10.45 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.

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

## **11.0 Recommendation**

### **11.1 Approve** subject to:

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

## **12.0 Planning Conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of permission 23/00455/FUL.

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. Notwithstanding the approved plans, details of the bike and bin stores associated with the development shall be submitted to and approved in writing by the local planning authority prior to commencement of the development hereby approved.

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, 48 and 82).

4. The driveway hereby approved shall be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway and uses a bound material to prevent debris spreading onto the adopted public highway. Once constructed the driveway shall be retained as such.

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

5. The application site shall have no more than seven 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).

6. 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).

7. 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).