



25/03323/FUL – 73 Newmarket Road, Cambridge, CB5 8EG

Report to: Planning Committee

Lead Officer: Joint Director of Planning and Economic Development

Ward/parish: Market

Proposal: Mixed use development comprising a ground floor commercial unit (Class E) with 23 en-suite bedsits (HMO) on the upper floors together with communal kitchens, laundry room, associated bike and bin storage and associated infrastructure following demolition of existing buildings.

Applicant: Tutis Properties Ltd

Presenting officer: Charlotte Spencer

Reason presented to committee: The Council's Delegation Panel of 28 October 2025 determined that the application should be considered by the Planning Committee. **Member site visit date:** N/A

Key issues: 1. Principle of development

2. Design, layout, scale and impact on heritage assets

3. Highway Safety

4. Impact on neighbour amenity

5. Amenity of future occupiers

Recommendation: Approve subject to conditions

Report contents

Document section	Document heading
1	Executive summary
2	Site description and context
3	The proposal
4	Relevant site history
5	Policy
6	Consultations
7	Third party representations
8	Member representations
9	Local groups / petition
10	Planning background
11	Assessment
12	Principle of development
13	Design, layout, scale and landscaping
14	Heritage assets
15	Trees
16	Carbon reduction and sustainable design
17	Biodiversity
18	Water management and flood risk
19	Highway safety and transport
20	Cycle and car parking provision
21	Amenity
22	Third party representations
23	Planning obligations (s106)
24	Other matters
25	Planning balance
26	Recommendation
27	Planning conditions

Table 1 Contents of report

1. Executive summary

- 1.1 The application seeks planning permission for a mixed-use development comprising a ground floor commercial unit (Class E) with 23 en-suite bedsits (HMO) on the upper floors together with communal kitchens, laundry room, associated bike and bin storage and associated infrastructure following demolition of existing buildings.
- 1.2 The application scheme is similar to a previously approved scheme for a mixed use building comprising commercial at ground floor with 9 self-contained flats above. Whilst there are some changes to the design and the change from 9 self-contained flats to a 23 bed House in Multiple Occupation (HMO), the overall size, scale and mass is similar to that previously approved. Whilst this permission was still extant at the time of

submission of the current application it has since expired. However, Officers consider that this previous decision should still be considered as a material consideration as it was considered under the same Local Plan.

- 1.3 The proposed scheme would result in the loss of a building which previously comprised the Bird in Hand Public House, but which more recently was an Indian restaurant (since 2014). The building dates back to the 1920s and is considered to positively contribute to the Riverside and Stourbridge Common Conservation Area. It is considered that the harm would be the lower end of less than substantial harm. However, the proposed building is considered to be of a high quality design that would appear in keeping with the recent buildings within the immediate area. In addition, the scheme would provide 23-bed spaces within a HMO in a highly sustainable location along with retaining a commercial use on the site. As such Officers consider that the public benefits outweigh the identified harm.
- 1.4 The scheme would have an acceptable level of impact on the residential amenity of neighbouring properties by way of loss of light, loss of outlook, sense of dominance and loss of privacy and subject to conditions it would have an acceptable level of environmental impacts such as noise and odour.
- 1.5 Officers acknowledge that the internal space, particularly communal space would be limited and in part constrained in outlook. However, it would meet the HMO licensing requirements and there is not a policy reason for refusal on this basis.
- 1.6 Officers consider that the scheme would have an acceptable level of impact on highway safety, flood risk and ecology.
- 1.7 Officers recommend that the Planning Committee **APPROVE** the application subject to conditions as outlined in the report below.

Consultee	Object / No objection / No comment	Paragraph Reference
Access Officer	Comment	6.1

Anglian Water	Objection regarding surface water	6.2
Conservation Officer	No objection	6.4
County Highways Development Management	No objection	6.8
County Transport Team	No objection	6.10
Ecology Officer	No objection	6.11
Environmental Health	No objection	6.12
Landscape Officer	No objection	6.16
Sustainable Drainage Officer	No objection	6.17
Sustainability Officer	No objection	6.18
Tree Officer	No objection	6.19
Urban Design Officer	No objection	6.20
Waste Officer	No objection	6.23
Third Party Representations (24)		7.1
Local Interest Groups and Organisations / Petition (3)		9.1

Table 2 Consultee summary

2. Site description and context

- 2.1 The site is situated on the northern side of Newmarket Road and is occupied by a two storey building that is currently vacant and was previously used as an Indian restaurant since 2014. The existing building fronts the back edge of the pavement to Newmarket Road. To the rear of the building is an area of hardstanding. The rear boundary is defined by a

2.5 metre high brick wall which also extends along the western boundary and part of the eastern boundary. The western boundary wall is hidden behind a piece of public art which extends along the entire length of the boundary.

- 2.2 The site is located within an area of mixed uses such as residential apartments, offices and other commercial uses. To the west of the site is the main entrance and access to Kingsley Walk which contains residential units with carparking at ground level. On the other side of the main entrance is Brook Court which is an apartment block above a commercial property. Newton Court which is an apartment block is located adjacent to the northern boundary of the site. To the east is a three storey office building (Nos.77-81 Newmarket Road) which is set back from the front elevation of No.73. Opposite the site; south of Newmarket Road, are office buildings and other commercial uses with car parking within the frontage.
- 2.3 The site lies within the Riverside and Stourbridge Common Conservation Area and a Controlled Parking Zone. There is a tree adjacent to the site which is subject to a Tree Preservation Order. There are no listed buildings or other heritage assets within close proximity to the site. The site lies within Flood Zone 1 (low risk) and is not at risk of surface water flooding.

3. The proposal

- 3.1 The proposal seeks planning permission for a mixed use development comprising a ground floor commercial unit (Class E) with 23 en-suite bedsits (HMO) on the upper floors together with communal kitchens, laundry room, associated bike and bin storage and associated infrastructure following demolition of existing buildings.
- 3.2 The application has been amended to address representations and further consultations have been carried out as appropriate. Amendments include alterations to the proposed layout to provide improvements to the ground floor back of house provision and larger communal areas. In addition, details regarding overheating, daylight/sunlight and energy usage have been submitted.
- 3.3 A similar proposal (in scale, form and design) was brought to Planning Committee on 07/12/2022. The application was approved. The current application seeks to provide 23 houses of multiple occupation (HMO) units rather than 9 self-contained flats. There are some changes to the design,

however, the overall size, scale and mass is similar to the previously approved. This permission has since expired.

4. Relevant site history

Reference	Description	Outcome
22/02969/FUL	Mixed use development comprising a ground floor commercial unit (Class E) with nine residential units on the upper floors along with associated infrastructure following demolition of existing buildings.	Permitted 08.12.2022
18/0887/FUL	Proposed mixed Use Development, comprising part demolition of the existing building (with the retention of the front and side elevations and erection of 9no. Apartments and Commercial/Restaurant/Public House (A1, A2, A3, A4, A5 and B1 flexible use) with associated works.	Permitted 16.12.2020
16/0720/FUL	Proposed Residential Development of 6No. Studio Apartments, Kitchen Extension to Existing Restaurant and associated Works including demolition of existing single storey structures	Permitted 11.11.2016

Table 3 Relevant Site History

The applicants claim 18/0887/FUL, which is materially different to this permission, has been implemented. Officers are seeking evidence to demonstrate that this is the case and will provide an update on the amendment sheet.

5. Policy

5.1 National policy

National Planning Policy Framework 2024

National Planning Practice Guidance

National Design Guide 2021

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)

5.2 Draft Greater Cambridge Local Plan 2024-2045 (Regulation 18 Stage Consultation - December 2025 to January 2026)

- 5.2.1 The Regulation 18 Draft Greater Cambridge Local Plan (the draft 'Joint Local Plan' (JLP)) represents the latest stage of preparing a new joint Local Plan for Greater Cambridge. Once it is adopted, it will become the statutory development plan for the Greater Cambridge area, replacing the current (adopted) Local Plans for Cambridge City and South Cambridgeshire District. The draft JLP was published for formal public consultation (under Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012) between 1 December 2025 and 30 January 2026.
- 5.2.2 In line with paragraph 49 of the National Planning Policy Framework (NPPF), local planning authorities may give weight to relevant policies in emerging plans according to several factors. The draft JLP is consistent with policies in the current NPPF, but represents an earlier stage of the plan making process. Therefore, at this stage, the draft JLP and its policies can only be afforded limited weight as a material consideration in decision making
- 5.2.3 Consultation on a Regulation 19 draft plan is anticipated in Summer/Autumn 2026.

5.3 Cambridge Local Plan (2018)

- Policy 1: The presumption in favour of sustainable development
- Policy 2: Spatial strategy for the location of employment development
- Policy 3: Spatial strategy for the location of residential development
- Policy 28: Carbon reduction, community energy networks, sustainable design and construction, and water use
- 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 32: Flood risk
- Policy 33: Contaminated land
- Policy 34: Light pollution control
- Policy 35: Protection of human health from noise and vibration
- Policy 36: Air quality, odour and dust
- Policy 40: Development and expansion of business space
- 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 59: Designing landscape and the public realm
Policy 61: Conservation and enhancement of Cambridge's historic environment
Policy 62: Local heritage assets
Policy 70: Protection of priority species and habitats
Policy 71: Trees
Policy 80: Supporting sustainable access to development
Policy 81: Mitigating the transport impact of development
Policy 82: Parking management

5.4 Other guidance

Greater Cambridge Housing Strategy 2024 to 2029

Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (2001).

Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste

Cycle Parking Guide for New Residential Developments (2010)

5.5 Area Guidelines

Riverside and Stourbridge Common Conservation Area Appraisal (2012)

6. Consultations

Publicity

Neighbour letters – Y

Site Notice – Y

Press Notice – Y – affecting a conservation area

Access Officer - Comment

- 6.1 There is no mention of disabled access. At least two rooms should be suitable for a wheelchair user.

Anglian Water - Objection

- 6.2 Cambridge WRC is over capacity. However, this site has planning consent for a mixed use development with a ground floor commercial unit with 9 residential units. The domestic flows from the proposed development is equivalent to the domestic foul flows to what has been approved.
- 6.3 AW objects to the application as the surface water proposals are to dispose surface water into AW surface water network if infiltration is not possible. Requires the applicant to carry out infiltration testing to determine if surface water disposal via infiltration techniques is possible. This should be done prior to determination.

Conservation Officer- No Objection

- 6.4 The application property makes a positive contribution to the Conservation Area. The application is a revision of the scheme approved in 2022 and the scale and design of the scheme are broadly similar.
- 6.5 There were conservation objections to the previous application due to the loss of the existing building and the harmful impact this would have on the conservation area. These issues remain relevant and the loss of the building remains harmful to the conservation area.
- 6.6 However, the design of the building has the potential to enhance the general context on Newmarket Road and subject to final agreement of materials and details the application is supported.
- 6.7 The Conservation Officer referred to the extant permission, however, during the determination process this has since expired. Informally, the Conservation Officer has confirmed that their conclusion remains the same and on balance it is acceptable.

County Highways Development Management - No Objection

- 6.8 No objections subject to conditions relating to the submission of a traffic management plan, large vehicle restrictions, the closure of the dropped kerb, removal of rainwater downpipes and cross footway drainage channels, paved areas are constructed so falls and levels are such that no private water drains onto the highway.

- 6.9 Please add informatives stating that future residents will not qualify for residential parking permits and that the applicant should engage with the street works team to formulate methodology for the proposed demolition and construction that may require the use of the highway.

County Transport Assessment Team- No Objection

- 6.10 Transport Statement not required due to a similar number of occupants between the two developments.

Ecology Officer- No Objection

- 6.11 The applicant has confirmed that the information provided in the original Preliminary Ecological Appraisal remains valid. No objections subject to conditions relating to BNG, compliance with ecology report, ecological enhancement.

Environmental Health- No Objection

- 6.12 No objection subject to conditions relating to construction hours, collection during construction, piling, dust, plant noise, alternative ventilation, extraction, noise insulation, opening hours, commercial waste and deliveries.

Contaminated Land:

- 6.13 No concerns with the site.

Air Quality:

- 6.14 No air quality impacts as development would be car free

HMO Standards:

- 6.15 Provides guidance

Landscape Officer- No Objection

- 6.16 Recommend that the sedum roof is replaced with biodiverse roof due to the limited area for planting.

Sustainable Drainage Officer- No Objection

- 6.17 Although no information has been submitted with respect to surface water and foul water drainage, as the site is not in or immediately adjacent to an area of identified flood risk, it is considered that the submission of drainage strategies can be addressed by way of condition.

Sustainability Officer- No Objection

- 6.18 The building should be compliant with the necessary carbon reduction and overheating requirements. No objections subject to conditions relating to carbon reduction and water efficiency

Tree Officer- No Objection

- 6.19 Principle of development established under 22/02969/FUL and this application does not differ significantly from an arboricultural perspective. No objection subject to conditions relating to the tree protection

Urban Design Officer – No Objection

- 6.20 The ground floor layout has been amended to improve back of house functions and the revised layout incorporates an external courtyard with planting and a tree.
- 6.21 Whilst the applicant has not reduced the number of bedsits as recommended in previous comments, Policy 48 assesses HMOs against performance-based criteria rather than prescribing fixed space standards therefore objection has been withdrawn.
- 6.22 Recommend conditions relating to materials.

Waste Officer – No Objection

- 6.23 Suggest a suitably worded condition is applied until such time as a satisfactory Waste Management Plan is submitted.

7. Third party representations

- 7.1 24 representations have been received. 21 are in objection and 3 are in support.
- 7.2 Those in objection have raised the following issues:
- Principle of development
 - Excessive HMO concentration
 - Up to 46 occupants tripling the original capacity
 - Question viability of commercial unit
 - Character, appearance and scale
 - Out of character of the street scape
 - Concern regarding the 'Whale Wall'
 - Inferior design to previously approved
 - Density and overdevelopment
 - Overdevelopment of the site

- Heritage impacts
 - Loss of arts and craft building in a Conservation Area
- Residential amenity impact
 - Lack of HMO management plan
 - Activity generated from the HMO including noise and litter
 - Loss of privacy
 - Loss of light
 - Visual intrusion
 - Noise and vibration from plant
 - Potential odours and pests from the commercial unit
 - Increase in anti-social behaviour
- Future residential amenity
 - Overheating
 - Inadequate shared amenities
- Construction impacts
 - Noise, vibration and dust during construction
- Highway safety
 - Concern regarding deliveries
 - Concern with the increase with vehicular movements
 - Construction issues on highway safety
 - Robust traffic management plan required
 - Access difficulties
- Car parking and parking stress
 - Lack of car parking
- Loss of biodiversity
- Drainage and flooding
 - Drainage issues from increased footprint
- Other issues:
 - Short term lets should be refused
 - Fails in energy efficiency

7.3 Those in support have given the following reasons:

- Creates affordable accommodation for single people
- Only 3 additional people within the area
- Development would be purpose built
- High quality design
- Design is preferred over previously approved

7.4 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. Member Representations

8.1 None received.

9. Local Groups / Petition

9.1 Cambridge Past, Present and Future (CPPF) has made a representation objecting to the application on the following grounds:

- Historically and visually harmful to the character of the Conservation Area;
- Existing building is an important building reflecting the historical use of the site and it has a positive relationship to the street;
- Replacement building is not appropriate for the Conservation Area;
- Limited landscaping

9.2 The Board of Directors of Cambridge Riverside (Midsummer Common) Management Company Limited (CRMC) has made a representation objecting to the application on the following grounds:

- Overdevelopment of the site;
- Excessive HMO concentration;
- Lack of HMO management plan;
- Lack of space causing risks for traffic due to deliveries, refuse collection and maintenance vehicles;
- Traffic management during demolition and construction;
- Impact of construction works on residents
- Inadequate amenity space for future occupiers
- Height of the building;
- Overheating concerns;
- Concern regarding the 'Whale Wall'
- Noise and privacy concerns;
- Concern about the commercial space being a restaurant

9.3 The Cambridge Riverside Residents' Association (CRRA) has made a representation objecting to the application on the following grounds:

- Overdevelopment of the site;
- Access issues;
- Significant construction disruption;
- Concern regarding the 'Whale Wall'
- Concern regarding the commercial unit;
- Increase in traffic and highway safety issues;
- Disruption from the HMO use and lack of a management plan;
- Lack of parking

- 9.4 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. Planning background

- 10.1 The previous 2022 application was approved for a mixed-use building with 9 flats above which has recently expired without being implemented. It no longer acts as a fall back. However, the decision is still relevant as it was considered under the current Local Plan and the site and policy context remain largely unaltered. The current application seeks to provide 23 houses of multiple occupation (HMO) units rather than 9 self-contained flats. There are some changes to the design, however, the overall size, scale and mass is similar to that previously approved. The applicants claim the 2018 application, which is materially different to this permission, has been implemented. Officers are seeking evidence to demonstrate that this is the case and will provide an update on the amendment sheet,
- 10.2 The previous application was determined by Planning Committee. It was considered that there would be heritage harm from the loss of the existing building, however, due to the proposed high quality of the proposed building in the context of Newmarket Road and the character of this part of the Conservation Area, together with the public benefits that would arise, the overall impact on the heritage asset was deemed acceptable.

11. Assessment

- 11.1 From the consultation responses and representations received and from an inspection of the site and the surroundings, the key issues are:
- Principle of development
 - Design, layout, scale and landscaping
 - Heritage assets
 - Trees
 - Carbon reduction and sustainable design
 - Biodiversity
 - Water management and flood risk
 - Highway safety and transport impacts
 - Car and cycle parking
 - Amenity
 - Third party representations
 - Other matters
 - Planning balance

- Recommendation
- Planning conditions

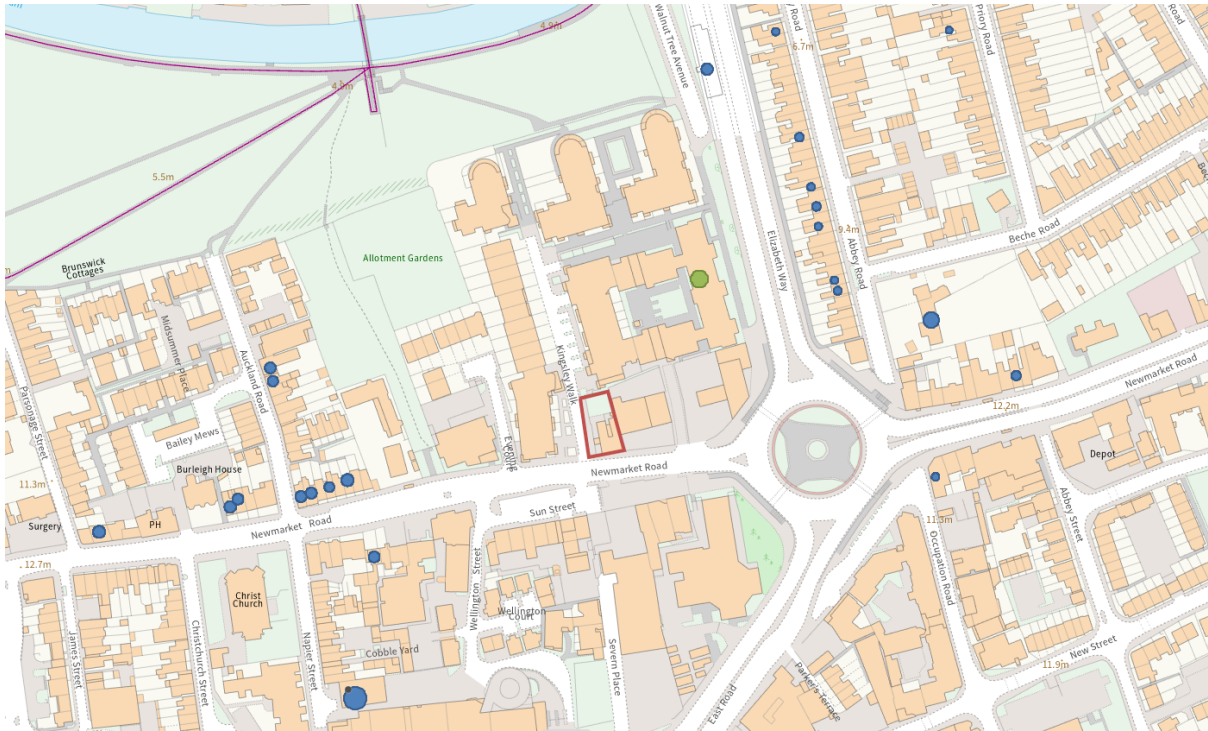
12. Principle of Development

- 12.1 The application seeks a mixed-use development comprising commercial (Class E) at ground floor and a house of multiple occupation (HMO) on the floors above.
- 12.2 The existing site and its buildings are currently vacant but were last used as an Indian restaurant (Class E use). The application seeks consent for commercial (Class E) use at ground floor. Given that the last use was for a restaurant (Class E) use, the proposed use falls within the same use class and this element does not represent a change of use in planning terms. The proposed ground floor commercial use is acceptable in principle.
- 12.3 Policy 48 of the Cambridge Local Plan (2018) states that proposals for large houses in multiple occupation (sui generis) will be supported where the proposal does not create an overconcentration of such a use in the local area, or cause harm to the residential amenity of the surrounding area; is suitable for use as a HMO with provision made for appropriate refuse, cycle and car parking and drying areas; and will be accessible to sustainable modes of transport.
- 12.4 In terms of large HMOs in the area, there are no HMOs in the immediate vicinity with some being located around Auckland Road, about 150 metres to the west and Abbey Road about 150 metres to the east. Where they are located, they are peppered throughout the existing housing stock.
- 12.5 Third party representations have raised concerns regarding the over concentration of HMOs within the area with one stating that there are 10 existing HMOs between 1 Newmarket Road and the Elizabeth Road roundabout. The student housing block at Brunswick House is located in close proximity to the site, however, this is specifically for students as per the description of the planning application (09/0179/FUL). Purpose built student accommodation is assessed under separate policy 46. Notwithstanding this, officers note that student accommodation results in occupiers with a more transient lifestyle and this is relevant as a material consideration in combination with the proposal.
- 12.6 The below table shows the existing HMOs within the area of the site as per the register of HMO licences which also includes Brunswick House which is student accommodation.

Road	No. of HMOs	Total No. of Bedspaces
Newmarket Road	10	65
Abbey Road	8	54
Auckland Road	2	13
Priory Road	1	6
Napier Street	1	6
Walnut Tree Avenue	1	10
Brunswick House	1	251 student beds*
Total	24	154 (exc student) 405 (inc student)

Table 4 Existing HMOs

- 12.7 Map 1 below shows the location of the HMO's and student accommodation in relation to the application site. The blue dots indicate HMO and the green indicates the student accommodation.



Map 1 – Location of Existing HMOs

- 12.8 The closest HMO to the site (No.33 Newmarket Road) is approximately 130 metres away. Whilst there are a number of HMOs in the area, they are dispersed over the area and Officers do not consider that the provision of 23 HMO bed spaces would result in an overconcentration of HMOs.
- 12.9 Third party comments have raised concerns that 23 bedrooms would allow for up to 46 occupants exacerbating the issue of HMOs within the area. To ensure that only 23 residents would occupy the site it is considered reasonable to add a condition restricting the number of occupiers to 23.
- 12.10 The site is located close to the city centre with the Grafton Centre being located on the opposite side of Newmarket Road. Newmarket Road is a trunk road into the city and is served by a number of regular bus routes. As such, the site is accessible to sustainable modes of transport, shops and other services.
- 12.11 The other criteria of policy 48 will be discussed in more detail within the report. Subject to other material planning considerations the redevelopment of the site to commercial and HMO use is acceptable in principle.

Making Effective Use of Land

- 12.12 The NPPF states at para. 124: 'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land'.
- 12.13 Additionally NPPF para 125 states:
- 'Planning policies and decisions should:
- 12.14 c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;'
- 12.15 The site and its buildings are brownfield land and have been vacant for a significant period of time. In making effective use of land, the NPPF provides strong support for the proposal in principle. This aligns with Policy 3 of the Cambridge Local Plan (2018) which states that the overall development strategy is to focus the majority of new residential development in and around the urban area of Cambridge, including making the most of previously developed land. The thrust of local and national policy therefore suggests the redevelopment of this site at the density proposed – which aligns with its surroundings – is to be strongly encouraged.

13. Design, layout, scale and landscaping

- 13.1 The application site consists of an existing two storey building which was used as an Indian restaurant and is now vacant. To the rear is a garden area which was not used in connection with the restaurant. It is used as a storage area and enclosed by a 2.5 metre high brick wall. The western boundary is screened by an existing artwork (Whale Wall) as part of the Kingsley Walk development which is set off the boundary. The site is surrounded on two sides by 4 to 5 storey modern apartment blocks on the northern and western side (Brooke House and Newton Court) and a three storey office building on the eastern side (Nos.77-81 Newmarket Road) which leads to a two storey tyre business adjacent to the roundabout. The

existing two storey domestic scale building on the site is dwarfed by the surrounding built form.

- 13.2 The proposed development would be part three, part four storeys comprising a ground floor commercial unit with HMO bedspaces on the upper three floors. It would have a maximum height of 12.8 metres including the solar panels. This height matches that of the approved development 22/02969/FUL and given the Kingsley Walk development consists of 4 and 5 storey blocks of flats, the height of the development is appropriate.
- 13.3 The footprint is similar to the previously approved scheme with the exception of the infill of the triangular courtyard to the west at ground floor level. As this additional built form would be located only at ground floor level and so would be located behind the mural wall it would not have a detrimental impact on the character and appearance of the area.
- 13.4 The Urban Design Officer has been consulted on the application and advises the angled segments that have been 'cut away' at upper floors to help to create a finer proportion to each elevation and allow for a more slender and vertical appearance to the front façade.
- 13.5 The external appearance would differ from the previously approved due to alterations to the elevational details and materials. The proposal would adopt a simpler, more restrained architectural approach that focuses on a refined masonry palette executed to a high standard. The Urban Design Officer considered that the front elevation is pronounced from the building to emphasise the vertical profile on the street frontage. A confident and robust street frontage has been achieved at ground floor through brickwork, vertical recessed brick detailed and clear entrances. The 'shop front' reflects the commercial use and is distinguished in scale and design from the residential openings above which have a more domestic architectural language.
- 13.6 The parapet would be successful in ensuring the rooftop plant including the solar panels and minimal lift overrun would be minimised from view.
- 13.7 The materials would be a choice of masonry and brick details. Recessed brick panels would be incorporated into the elevation, pre-cast stone details would be used as banding and the scheme proposes to emphasise verticality and proportion and add texture and interest. It is proposed that the scheme would use high quality brickwork with a variation in brick tone. The window surrounds and feature lintels would reference the heritage precedents. It is considered that this would result in a high quality design.

Although the final detail has not been submitted at this stage, these can be secured by way of condition.

- 13.8 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 policies 55, 56, 57 and 59 of the Local Plan and the NPPF.

14. Heritage assets

- 14.1 The application falls with the Riverside and Stourbridge Common Conservation Area. The application site building is not listed, nor is it a Building of Local Interest (BLI) or within the setting of a listed building.
- 14.2 Section 72 of the Planning (LBCA) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 14.3 Para. 212 of the NPPF set out that ‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance’. Para. 213 states that ‘Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification...’
- 14.4 Policy 61 of the Cambridge Local Plan (2018) aligns with the statutory provisions and NPPF advice.
- 14.5 The property forming No.73 Newmarket Road is the former Bird in Hand public house and dates to the 1920s. The current building replaced an earlier pub building which may have dated to the 17th century or earlier. The building is two storeys and has a pleasing appearance and a domestic scale and fine grain which is more apparent in the buildings and dwellings at the end of Newmarket Road to the west, than the buildings immediately surrounding the site. The buildings immediately surrounding the site on the north, east and west are modern in appearance and comprise 4 or 5 storeys.
- 14.6 The Conservation Officer has commented that there were objections to the previous application due to the loss of the existing building and the

impact this would have on the Conservation Area. They have reiterated that these issues remain relevant. The issues raised relate to the loss of a positively contributing building and that the replacement building lacks the positive architectural characteristic and historical associations of the existing building and wider Conservation Area.

- 14.7 The Conservation Officer has concluded that the proposal would result in a low level of less than substantial harm to the Conservation Area. However, they acknowledge that there is an approved scheme for the demolition, which at the time of writing their comments was capable of being implement but has since expired. Notwithstanding this there is an acceptance of the precedent set and as such does not object to the proposal
- 14.8 Paragraph 215 of the NPPF states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'. The public benefits of the scheme include the redevelopment of a brownfield site which is currently vacant and not in use. The proposal will retain a commercial use on the site providing a limited amount of new employment opportunities, alongside the provision of 23-bed spaces in a HMO which will help towards meeting housing need in a highly sustainable location.
- 14.9 The loss of the building requires special consideration in reflection of the Conservation Officer's advice and the legislative framework. However, by virtue of its scale, massing and design and the public benefits that would arise, officers are satisfied that the harm caused to the setting of the Conservation Area through the loss of the existing building and its associated significance can be mitigated. In particular, this is in consideration of the immediate context of the site, the high-quality replacement building, as supported by Urban Design, and partially unique design and the public benefits that would arise. The proposal therefore accords with the provisions of the Planning (LBCA) Act 1990, the NPPF and Local Plan policies 60 and 61.

15. Trees

- 15.1 Policy 59 and 71 seeks to preserve, protect and enhance existing trees and hedges that have amenity value and contribute to the quality and character of the area and provide sufficient space for trees and other vegetation to mature.

- 15.2 There is a plane tree outside of the site, which is subject to a tree protection order (TPO) located to the south east of the site. The Council's Tree Officer has raised no objection subject to conditions to ensure protection of the tree from construction activity. This condition is considered reasonable and necessary.
- 15.3 Subsequently, subject to the condition, the proposal would comply with Policies 59 and 71 of the Local Plan.

16. Carbon reduction and sustainable design

- 16.1 The application is supported by Energy Reports and an Overheating Report.
- 16.2 The Design and Access Statement states that the design would follow a fabric first approach to improving the performance of the building and reducing energy demand. The scheme would use electric heating and hot water and solar PV panels would be installed on the roof. The scheme has been designed to ensure that the residential units would not exceed 110 litres/person/day.
- 16.3 The units are single aspect and some face south creating the potential for overheating. The Overheating Report states that mechanical ventilation with heat recovery (MVHR) would be used. The south facing windows would also benefit from an overhang to create shading. The report concludes that the development is not at risk of overheating.
- 16.4 The application has been subject to formal consultation with the Council's Sustainability Officer who states that the documents demonstrate that the building would be compliant with the necessary carbon reduction and overheating requirements. Conditions have been requested to ensure compliance and to check the calculations and these are considered reasonable.
- 16.5 The applicants have suitably addressed the issue of sustainability and renewable energy and subject to conditions the proposal is compliant with policies 28 and 29 the Local Plan and the Greater Cambridge Sustainable Design and Construction SPD 2020.

17. Biodiversity

- 17.1 In accordance with policy and circular 06/2005 'Biodiversity and Geological Conservation', the application is accompanied by a preliminary ecological appraisal (PEA) with an updated cover letter and a Biodiversity Net Gain Assessment.
- 17.2 The application has been subject to formal consultation with the Council's Ecology Officer, who, following confirmation from a qualified ecologist to confirm that the PEA is still up to date, raises no objection to the proposal and recommends several conditions to ensure the protection of species.
- 17.3 The BNG assessment demonstrates that the baseline habitat value of the site is only 0.03 units. The proposal includes a small grassed garden area including an urban tree and a green roof. This would result in 0.05 units which equates to at 49.14% net gain. The Ecology Officer has confirmed this is acceptable and the final BNG will be secured by way of the statutory condition.
- 17.4 In consultation with the Council's Ecology Officer, subject to an appropriate condition, officers are satisfied that the proposed development complies with policy NH/14 of the Local Plan/ policy 70 of the Local Plan, the Biodiversity SPD 2022, the requirements of the Environment Act 2021 and 06/2005 Circular advice.

18. Water management and flood risk

- 18.1 The site is in Flood Zone 1 (low risk) and is identified as in an area of very low surface water flood risk (over 1 in 1000).

Surface Water Flooding

- 18.2 The Council's Sustainable Drainage Engineer has advised that the site proposes permeable paving and a green roof system and it is assumed that foul water will connect to the existing foul water mains.
- 18.3 The Drainage Officer considers that due to the low flood risk it is considered that details regarding Surface and Foul Water Drainage Strategies can be secured by way of condition.
- 18.4 Anglian Water have objected the surface water proposals to dispose surface water into the AW surface water network if infiltration is not possible. The final surface water scheme would be secured by condition and so it is considered that this can be overcome at condition stage.

Foul water

- 18.5 Under Section 106 of the Water Industry Act 1991, all Water and Sewerage Companies have a legal obligation to provide developers with the right to connect to a public sewer. The duty imposed by section 94 of the 1991 Act requires these companies to deal with any discharge that is made into their sewers.
- 18.6 Paragraph 201 of the NPPF states that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.
- 18.7 Foul water is a material planning considered in the assessment of the application proposal. The site is located within the catchment of the Cambridge Water Recycling Centre (WRC). Anglian Water were consulted on the application and they stated that the WRC does not have capacity to accommodate the additional flows that would be generated by the proposed development. However, they refer to the previous consent for 22/02969/FUL and state that the domestic flows from the proposed development under the new planning application is equivalent to the domestic foul flows to what has been approved under the previous planning application.
- 18.8 When the application was submitted 22/02969/FUL was extant, however, it has since expired and so the fall-back position no longer exists. Officers contacted Anglian Water once the previous permission expired and no further response has been received from them.
- 18.9 Regardless of the lack of an objection from Anglian Water regarding foul water, Officers acknowledge that the waste water infrastructure capacity has become a strategic issue for many local planning authorities across the south-east of England.
- 18.10 Standard conditions are proposed be added to restrict the water consumption to 110 litres/person/day for the residential elements and the submitted information confirms the commercial element would achieve 5 BREEAM credits for water efficiency (Wat01). Subsequently, it is considered that the additional foul water going to Cambridge WRC would be limited.

- 18.11 As the application is for a minor development any additional foul water would be limited and similar to the previously approved, albeit now non-deliverable scheme. In conjunction with the lack of an AW objection, officers consider that the application should be supported in this regard. There is no evidence of direct harm to the water environment that could be attributed from a scheme of this size notwithstanding on-going capacity issues.
- 18.12 The applicants have suitably addressed the issues of water management and flood risk, and subject to conditions the proposal is in accordance with policies 31 and 32 of the Local Plan and NPPF advice.

19. Highway safety and transport impacts

- 19.1 Policy 80 supports development 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. Paragraph 116 of the NPPF advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
- 19.2 The Local Highway Authority including the Transport Assessment Team were consulted as part of the application.
- 19.3 The Local Highway Authority's Development Management Team have confirmed that they have no objections to the scheme subject to conditions relating to the submission of a traffic management plan, the closing of the existing dropped kerb and falls and levels of the land to prevent water draining on to the public highway. These conditions are considered reasonable and necessary to mitigate the impact on the adopted highway.
- 19.4 The Transport Assessment Team had originally requested a Transport Statement, however, following clarification that the proposed scheme would result in only 3 more bedspaces than the, then extant, permission then a Transport Statement would not be required.
- 19.5 Third parties have raised concerns about potential impact on the highway network due to the movements of people, particularly if there would be 46 residents. As explained above a condition can be added to restrict the maximum occupancy to 23. The development would be car free and the LHA have confirmed that future residents would not qualify for Parking Permits for the existing Residents Parking Schemes so any increase in

vehicle movements would be related to taxis/ loading and unloading or deliveries.

- 19.6 The level of vehicle movements would be similar to the previously approved scheme as the additional bedspaces would be limited to 3. It is noted that no Transport Assessment was submitted as part of the previous scheme and no concerns were raised by the Transport Assessment Team. As such, it would be unreasonable to demand one for the current scheme.
- 19.7 Third party concerns were also raised regarding impact on highway safety during the construction works. Officers are content that this would be covered by the traffic management plan which would be secured by condition.
- 19.8 Subject to conditions, the proposal accords with the objectives of policies 80 and 81 of the Local Plan and is compliant with NPPF advice.

20. Car and cycle provision

Cycle parking

- 20.1 24 cycle spaces would be provided for the HMO which would allow for at least one space per resident. Whilst 16 of these spaces would be double tiered, 8 would be Sheffield stands which equates to a third of the available spaces in compliance with paragraph L.19 of Appendix L of the Local Plan. The cycle spaces would be located to the rear of the building resulting in residents pushing their bike through a corridor which is not ideal. However, the width of the corridor would be 1.8 metres which is considered to allow for easy manoeuvring and as the constraints of the site are noted it is considered that the location is easily accessible and all cycle spaces would be covered and secure.
- 20.2 Four spaces would be provided for the commercial unit which is considered acceptable for a unit of this size.
- 20.3 Two Sheffield stands would be provided for visitors to the front of the site which is considered acceptable.
- 20.4 Whilst it is unfortunate that none of the cycle spaces would be able to accommodate oversized cycles, officers accept that the constraints of the site would make this difficult. It is noted that this was acceptable in the previously approved scheme and for single occupancy HMO rooms, the

need for oversized cycles is perhaps not as strong as it would be for other types of development.

- 20.5 It is considered that the proposed cycle parking is compliant with policy 81 of the Local Plan.

Car parking

- 20.6 Policy 82 of the Local Plan requires new developments to comply with, and not exceed, the maximum car parking standards as set out within Appendix L. Inside the Controlled Parking Zone the maximum standard is no more than one space per dwelling for any dwelling size. 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.
- 20.7 No car parking will be provided as part of the development. The development is near the city centre and is located on several bus routes. As such, given the sustainable location of the site and sustainable modes of transport available, a car-free development is welcome in this location.
- 20.8 The proposed car parking arrangement is compliant with Policies 80 and 82 of the Local Plan.

21. Amenity

- 21.1 Policies 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.
- 21.2 A number of third parties have raised objections in relation to loss of privacy, loss of light, visual intrusion, noise from plant, odours from the commercial unit and disturbance from the HMO use.
- 21.3 The maximum height of the development would be 12.8 metres which would be taller and would have a larger footprint than the existing 9 metre high building, however, it would match the height and bulk of the previously approved scheme.

Neighbouring properties

- 21.4 Impact on Brooke House, Kingsley Walk

- 21.5 A number of residential properties lie within Brooke House, which lies to the west of the site within Kingsley Walk and the mural wall art separating this neighbouring residential block of flats and the site.
- 21.6 Brooke House is located approximately 19 metres from the proposed building. Given this distance, the proposal would be sited such as to not result in significant harm from its proposed height or massing in terms of enclosure or overshadowing.
- 21.7 There would be upper floor windows facing Brooke House, however, due to the separation distance it would not result in an unacceptable loss of privacy. There would be a small balcony provided on each of the upper floors, however, due to the design of the building these would face south west towards Newmarket Road rather than directly to Brooke House. In addition, the balconies would be set into the building and so there would be no side views from the balconies.
- 21.8 Impact on Newton Court and Brunswick House, Kingsley Walk
- 21.9 To the north (rear) of the site lie residential properties within Newton Court and Brunswick House. Newton Court is located only 2.6 metres from the site boundary and a minimum of 7.2 metres from the proposed building.
- 21.10 The Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight: A guide to good practice' gives two helpful rule of thumb tests which determine whether or not further detailed daylight and sunlight tests are required. The 25 degree test is used where the development is opposite the window and if the development falls beneath a line drawn at 25 degrees from the horizontal or the centre of the lowest habitable room then there is unlikely to be a substantial effect on daylight and sunlight.
- 21.11 The proposed building would intersect the 25 degree vertical line from the first floor windows of both Newton Court and Brunswick House. As such, a Daylight and Sunlight Assessment is required to measure the impact on the development on the neighbouring residential properties.
- 21.12 A Daylight and Sunlight Assessment has been submitted with this proposal which measures the impact of the development on the neighbouring residential properties. The assessment considered the windows within Newton Court to the north and the windows within Brooke House to the west. It is noted that these are labelled incorrectly as

Brunswick House and 2 Arundel Road respectively, however, officers are satisfied they relate to the correct neighbouring buildings. The assessment has calculated the Vertical Sky Component (VSC) and No Sky Line (NSL) for daylight impacts and Annual Probably Sunlight Hours and Winter Probable Sunlight Hours (A/WPSH) for sunlight impacts.

- 21.13 The VSC measures the general amount of light available on the outside plane of the window as a ratio (%) of the amount of total unobstructed sky viewable following the introduction of visible barriers such as buildings. This is measured from the centre of a window and should be no less than 27 or if below this, no less than 0.8 times the former value. The NSL test calculates the distribution of daylight within rooms by determining the area of the room at desk/ work surface height which can and cannot receive a direct view of the sky. The area of the room beyond the NSL should not be reduced to less than 80% of its current value. APSH and WPSH measure the amount of potential direct sunlight that is available to a given surface. ASHP covers over the whole year and WPSH covers 21 September to 21 March. Only windows which face within 90 degrees of due south should be assessed. Windows should receive at least 25% of APSH and 5% during winter months, or 80% of its former value.
- 21.14 The assessment demonstrates that all but one window would retain 80% of their former value. The window most affected would be window 3 which is a first floor south facing window of Newton House. This window would change from a VSC of 16.543 to 11.672 which equates to 70.56% and so fails the test. This window serves a living area which also benefits from two west facing windows one of which has also been assessed (window 1). The NSL for this living room would be 98.3% of its former value which meets BRE guidance. In terms of sunlight hours, only 14 windows were assessed as the others are not within 90 degrees of south. All but window 1 would retain 25% APSH and 5% WPSH, however, window 1 would retained over 80% of its existing amount in compliance with the BRE guidance.
- 21.15 Two balconies within Newton Court facing the development have been assessed. B2 which is on the second floor would not be impacted. There would be some loss of light to B1, however, 80% of its former value would be retained in compliance with the BRE guidance.
- 21.16 Subsequently, whilst the proposal would have some impact upon daylight and sunlight to the neighbouring properties, particularly the first floor unit of Newton Court. The level of impact falls within the BRE guidance and therefore it is considered an acceptable level of impact. It is also noted

that the size and scale of the proposal on the northern side is identical to the previous approved scheme under 22/02969/FUL.

- 21.17 There would be upper floor windows on the north elevation facing the properties to the rear. In order to prevent unacceptable levels of overlooking, the design incorporates vertical fins/louvres to restrict views from these windows. These can be secured by way of condition to protect the privacy of neighbouring properties.
- 21.18 As the rear of the site is currently open, the development would result in a sense of enclosure to neighbouring properties, particularly to the north. However, this has previously considered to be acceptable in 22/02969/FUL.
- 21.19 Impact on Nos.77-81 Newmarket Road
- 21.20 To the east of the site lies the commercial premises forming Chequers House, Nos. 77-81 Newmarket Road. The proposal is not considered to result in any significant harm to the amenity of this building.
- 21.21 Impact on No.2 Kingsley Walk, Darwin House, Keynes House and Marlowe House
- 21.22 Given the distance of the proposal from these neighbouring residential properties the proposal is not considered to result in any significant harm to the amenity of the residents.
- 21.23 Subsequently, it is considered that the proposal would have an acceptable impact on the residential amenity of the neighbouring properties by reason of loss of light, loss of outlook, sense of dominance or loss of privacy. The proposal is compliant with policies 50, 52, 53 and 58 of the Local Plan.

Future occupants

- 21.24 Policy 48 does not require minimum space standards for HMOs, however, paragraph 6.24 of the supporting text does state that it is 'important to ensure HMOs provided a standard of accommodation equivalent to that enjoyed by other residents' and 'Policy 51: Accessible homes and Policy 50: Residential space standards will therefore be aspired to for proposals of change of use to HMOs and should also be applied to the provision of new HMOs'.

21.25 The residential floors would be arranged in clusters. Each of the first and second floors would accommodate 9 bedrooms with en-suites, a shared kitchen and a small balcony. The third floor would be a cluster of 5 bedrooms with a shared kitchen and small balcony.

21.26 All bedrooms would be of a suitable size for a double bed, desk and storage and all exceed the recommended size for a single bedroom of 7.5sqm and also that of a double room of 11.5 sqm as outlined within Policy 50. As outlined above, it is considered reasonable for a condition to be added to ensure that the maximum occupancy should be 23 and so these rooms are considered to be of sufficient size for sleeping and relaxing for single occupancy. Below is a table showing the requirements of policy 50 in terms of bedroom size and the space standards for bedrooms within a HMO within the Cambridge City Council Private Rented Sector Housing Standard document. All rooms would benefit from an en-suite.

Unit	HMO Space Standards with no separate living space	HMO Space Standards with separate living space	Policy Size requirement (m ²) (Single Occupancy)	Proposed size of room	Difference in size
1	6.51	7.5	7.5	14.6	+7.1
2	6.51	7.5	7.5	12.7	+5.2
3	6.51	7.5	7.5	12.7	+5.2
4	6.51	7.5	7.5	12.7	+5.2
5	6.51	7.5	7.5	11.6	+4.1
6	6.51	7.5	7.5	12.7	+5.2
7	6.51	7.5	7.5	15	+7.5
8	6.51	7.5	7.5	13.2	+5.7
9	6.51	7.5	7.5	13.5	+6
10	6.51	7.5	7.5	14.6	+7.1
11	6.51	7.5	7.5	12.7	+5.2
12	6.51	7.5	7.5	12.7	+5.2
13	6.51	7.5	7.5	12.7	+5.2
14	6.51	7.5	7.5	11.6	+4.1
15	6.51	7.5	7.5	12.7	+5.2
16	6.51	7.5	7.5	15	+7.5
17	6.51	7.5	7.5	13.2	+5.7
18	6.51	7.5	7.5	12.8	+5.3
19	6.51	7.5	7.5	14.6	+7.1
20	6.51	7.5	7.5	12.7	+5.2
21	6.51	7.5	7.5	12.7	+5.2
22	6.51	7.5	7.5	12.7	+5.2
23	6.51	7.5	7.5	11.6	+4.1

Table 2 Table showing size of residential units in comparison with the policy and space standards requirement

- 21.27 The shared kitchens for the 9-bed clusters would be 23.8 sqm and 16.1sqm for the 5-bed cluster. Officers acknowledge that this is not ideal, particularly for the 9-bed clusters as it would only allow for 8 to sit in the kitchen at any one time. In addition, the layout does not allow for a communal relaxing area, for example the provision of sofas, which would allow future residents to socialise together and would force them into their rooms.
- 21.28 Each cluster would benefit from a small balcony measuring 5.5sqm in area and which would only allow space for 4 people to sit together. Again, this is not ideal however, it is mitigated to some degree by a communal garden area to the rear of the building at ground floor. It is noted that as the communal garden area to the rear would be located to the north of a tall building it would not benefit from large amounts of direct sunlight, however, the balconies would be south west facing allowing for these areas to have more direct sunlight particularly in the afternoon.
- 21.29 Whilst Officers acknowledge these shortfalls, there is not a policy reason to refuse the application on for this reason alone. In addition, the scheme would comply with the Council's HMO licensing requirements. As such, Officers accept that the proposal complies with Policy 48 of the Local Plan.
- 21.30 A Daylight and Sunlight Assessment has been submitted in relation to the proposed new rooms. This assessment demonstrates that all rooms meet the recommended Target Daylight Factor and as such it is considered that the future occupants will enjoy a well-lit environment. This assessment has taken account of the fins/louvres on the north facing windows and also includes the communal kitchen area.
- 21.31 The majority of the rooms would be single aspect, some of which would be south facing resulting in the potential for overheating. Subsequently, the applicant has submitted an Overheating Report which states that mechanical ventilation with heat recovery (MVHR) would be used. The south facing windows would also benefit from an overhang to create shading. The report concludes that the development is not at risk of overheating.

- 21.32 The future occupiers could be at risk of unacceptable levels of noise from Newmarket Road, however the windows will be designed to allow for passive and alternative ventilation (MVHR) to ensure noise from the road can be mitigated. This detail can be secured by way of condition.
- 21.33 Subsequently, it is considered that the proposal would allow an acceptable level of residential amenity for future occupiers of the dwelling.

Construction and environmental health impacts

- 21.34 Concerns have been raised regarding construction impacts. The Council's Environmental Health Team have assessed the application and recommended conditions to mitigate the impact created by construction works including construction and delivery hours, piling and dust scheme. As construction impacts are limited and these conditions help to mitigate the impacts, it is considered acceptable.
- 21.35 Concerns have been raised regarding noise and disturbance from the HMO use. Any HMO would need to be licensed and as such controlled by the Council. The entrance is located on Newmarket Road and so the comings and goings would be located in an already busy location and is away from the residential properties in Kingsley Walk. The previous use of a restaurant would likely have had a high level of activity particularly in the evening. The existing building could be used as a Class E (commercial) premises without planning permission which could potentially result in high levels of activity. As explained above, the area is not overly concentrated with HMOs and there is no reason to suggest the future occupants would not be neighbourly. However, to ensure that the site would be managed to mitigate against amenity issues, a condition for a management plan shall be added to any permission.
- 21.36 The scheme includes rooftop plant which could give rise to noise and vibration. As such, it is recommended that a condition is added to request a noise insulation scheme be submitted to and approved in writing.
- 21.37 Concerns have been raised regarding noise and odour from the commercial property at ground floor and these are noted. The Environmental Health Officer has raised no concerns subject to conditions relating to Class E(b) and E (d) which covers on premises food and drink and indoor sport. The conditions relate to noise and odour extraction and are considered reasonable to ensure these uses are not begun until the Planning Authority are confident that the noise and odour created would be suitably mitigated. Concerns were also raised regarding pests, this is a matter for Environmental Health outside of the planning process.

21.38 It is considered reasonable to restrict the opening hours and servicing hours of the commercial premises as requested by Environmental Health due to the close proximity to neighbouring dwellings.

Summary

21.39 The proposal adequately respects the amenity of its neighbours and of future occupants. Subject to conditions, the proposal is compliant with policies 35, 48, 52, 53, 55, 56 and 58 of the Local plan. The associated construction and environmental impacts would be acceptable in accordance with policies 35 and 36 of the Local Plan.

22. Third party representations

22.1 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
Commercial Viability	It is not for the Local Planning Authority to consider whether the proposed commercial unit would be viable or not.
Short Term Let	The scheme is for a House in Multiple Occupancy and not for short-term/ holiday lets. Separate planning permission would be likely to be required for AirB&B type uses if they were to occur and become the predominant use.
Damage to the 'Whale Wall'	This is not a material planning consideration and it is considered to be a civil matter

Table 3 Officer response to third party representations

23. Planning obligations (S106)

23.1 The Community Infrastructure Levy Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. If the planning obligation does not pass the tests then it is unlawful. The tests are that the planning obligation must be:

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

- 23.2 Officers are currently considering whether the scheme should be liable to planning obligations. This will be confirmed at committee.

24. Other matters

24.1 Green Roof

- 24.2 The proposal would result in the creation of a flat roof. Policy 31(f) of the Local Plan requires that all flat roof is a green or brown roof, providing that it is acceptable in terms of context. A sedum roof is proposed however, the Landscape Officer has recommended that a biodiverse roof is provided. This can be ensured by way of condition.

Accessibility

- 24.3 Policy 51 requires all new residential units to be of a size, configuration and internal layout to enable Building Regulations requirement M4(2). All circulation space, bedrooms and ensuites have been designed to part M4(2) standards. The comments from the Accessibility Officer are noted and it is unfortunate that the rooms are not designed for M4 (3) 'wheelchair user dwellings', however there is not a policy requirement for this in this scheme.

Bins

- 24.4 The design allows for residential refuse storage of 2 x 660 litre blue and 2 x 660 litre black and 2 x 140 litre food bins. Which is sufficient for the HMO use. The commercial waste would be collected by a private company. The Shared Waste service have requested a condition regarding a Waste Management Plan to ensure that the residential waste can be safely collected. This condition is considered reasonable.

- 24.5 Policy 57 requires refuse and recycling to be successfully integrated into the proposals. The scheme provides a separate residential bin store and commercial unit which is acceptable. The Waste Officer has requested a Waste Management Plan by way of condition this is considered reasonable to ensure that the development would comply with the RECAP waste guidance.

25. Planning balance

- 25.1 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).
- 25.2 The proposed scheme would result in 23 additional people living within the area and third-party comments regarding the concentration of HMOs and the subsequent impact on the area are understood. However, as explained above, Officers do not consider that the proposal would result in an over-concentration of HMOs nor would it result in an unacceptable impact to neighbouring properties by reason of noise or disturbance.
- 25.3 By reason of the scale and massing there would be some impact upon light to the neighbouring properties to the north. However, the applicant has demonstrated that following development the neighbours would still have adequate daylight and sunlight in line with the BRE guidance and so it is considered this impact is acceptable.
- 25.4 Officers note that the communal areas for future residents is not ideal due to the limited size of the kitchen/dining area and external amenity. However, the bedrooms are large and far exceed what is required by the HMO licensing standards, as such it would not be reasonable to refuse the application for this reason.
- 25.5 The proposal, by reason of the loss of the existing building would fail to preserve the character and appearance of the Conservation Area and would result in a low level of less than substantial harm. Whilst it is considered that the replacement building would be high quality, it would not overcome the total loss of a building which makes a positive contribution to the Conservation Area. Notwithstanding the precedent that has been set by the previous permission, the loss of the building would result in a low level of less than substantial harm. Therefore paragraph 215 of the NPPF is engaged and the harm should be weighed against the public benefits of the proposal.
- 25.6 The proposal would result in the redevelopment of a brownfield site which has been vacant for a significant period of time. Paragraph 125 of the NPPF states that substantial weight should be to the value of using suitable brownfield land within settlements for homes and other identified needs and proposals should be approved unless substantial harm would be cases. Policy therefore suggests the redevelopment is to be strongly encouraged.

- 25.7 The proposal will retain a commercial use on the site providing a limited amount of new employment opportunities.
- 25.8 The provision of 23-bed spaces in an HMO which will help towards meeting the housing need in a highly sustainable location.
- 25.9 The scheme is considered to be high quality and would be in keeping with the existing recent development within the immediate area. The scheme would also provide a minimum of 10% biodiversity net gain.
- 25.10 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the statutory requirements of section 66(1) and section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval.

26. Recommendation

- 26.1 **Approve** subject to:
- The planning conditions as set out below with amendments to the conditions as drafted delegated to officers.
 - The agreement of a S106 planning obligation(s) securing any financial contributions or other obligations arising as reported on the amendment sheet and considered justified and CIL compliant by officers.

27. 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. No demolition or construction works shall commence on site until a traffic management plan has been agreed in writing with the Planning Authority. The principle areas of concern that should be addressed are:
 - i. Movements and control of muck away lorries (wherever possible all loading and unloading should be undertaken off the adopted public highway)
 - ii. Contractor parking (wherever possible all such parking should be within the curtilage of the site and not on street).
 - iii. Movements and control of all deliveries (wherever possible all loading and unloading should be undertaken off the adopted public highway)
 - iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.

Reason: in the interests of highway safety in accordance with paragraph 116 of the NPPF (2024)

4. Prior to commencement of development a scheme of tree protection, prepared in accordance with British Standard BS:5837 (2012) Trees in relation to demolition, design and construction, will be submitted to and approved in writing by the Local Planning Authority. The approved scheme of tree protection will be installed before any development works, including demolition, begin on site and will be retained until all development is complete, and all machinery and materials are removed from site. The protective measures, including fencing, shall be undertaken in accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Reason: To ensure that trees to be retained will be adequately protected, to preserve the arboricultural amenity in accordance with section 197 of the Town and Country Planning Act 1990 and Cambridge Local Plan 2018 Policy 71: Trees

5. No development shall commence until a scheme to minimise the spread of airborne dust from the site including subsequent dust monitoring during the period of demolition and construction, has been submitted to and approved in writing by the local planning authority.

The development shall be implemented in accordance with the approved scheme.

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2018 policy 36).

6. No development above ground level, other than demolition, shall commence until all details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The works shall be fully carried out in accordance with the approved details prior to the occupation of the development, unless an alternative phasing scheme for implementation has otherwise been agreed in writing by the Local Planning Authority.

If within a period of 5 years from the date of planting of any trees or shrubs, or 5 years from the commencement of development in respect of any retained trees and shrubs, they are removed, uprooted, destroyed, die or become seriously damaged or diseased, replacement trees and shrubs of the same size and species as originally planted shall be planted at the same place in the next available planting season, or in accordance with any variation agreed in writing by the Local Planning Authority.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved design (Cambridge Local Plan 2018; Policies 55, 57 and 59).

7. No dwelling shall be occupied until a Carbon Reduction and Water Efficiency Statement, setting out how the proposals meet the requirement for all new dwelling units to achieve reductions as required by the 2021 edition of Part L of the Building Regulations has been submitted to and approved in writing by the local planning authority. The Statement shall demonstrate how this requirement will be met following the energy hierarchy of Be Lean, Be Clean and Be Green. Where on-site renewable, low carbon technologies and water efficiency measures are proposed, the Statement shall include:
 - a. A schedule of proposed on-site renewable energy or low carbon technologies, their location and design;
 - b. Details of any mitigation measures required to maintain amenity and prevent nuisance;
 - c. Details of water efficiency measures to achieve a design standard of water use of no more than 110 litres/person/day.

The approved measures shall be fully implemented prior to the occupation of any approved dwelling(s) or in accordance with a phasing plan otherwise agreed in writing by the local planning authority.

Reason: In the interests of reducing carbon dioxide emissions does not give rise to unacceptable pollution and to make efficient use of water (Cambridge Local Plan 2018, Policies 28, 35 and 36 and the Greater Cambridge Sustainable Design and Construction SPD 2020).

8. The carbon reduction measures for the non-residential floorspace shall be carried out in accordance with the approach outlined in the Sustainability Appraisal and Water Efficiency Feasibility Study (Green Heat Ltd, 25 October 2022). Where renewable energy systems are proposed, further information shall be submitted prior to the occupation of the scheme outlining:
 - a) The location and design of the technologies
 - b) Details of any mitigation measures required to maintain residential amenity and prevent nuisance.

The proposed renewable or low carbon energy technologies and associated mitigation shall be fully implemented in accordance with the measures set out in the Statement prior to the occupation of any approved non-residential floorspace.

Reason: In the interests of reducing carbon dioxide emissions and to ensure that development does not give rise to unacceptable pollution (Cambridge Local Plan 2018, Policies 28, 35 and 36 and the Greater Cambridge Sustainable Design and Construction SPD 2020)

9. No development above ground level shall take place until an ecological enhancement scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include details of bat and bird box installation, hedgehog provisions and other ecological enhancements. The approved scheme shall be fully implemented prior to first occupation or in accordance with a timescale agreed in writing by the local planning authority.

Reason: To conserve and enhance ecological interests in accordance with South Cambridgeshire Local Plan 2018 policies HQ/1 and NH/4 and the Greater Cambridge Planning Biodiversity Supplementary Planning Document (2022).

10. No development, other than demolition, shall commence until a scheme for the provision and implementation of foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full in accordance with the approved details prior to the occupation of any part of the development or

in accordance with an implementation program agreed in writing with the Local Planning Authority.

Reason: To reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage (Cambridge Local Plan 2018, policies 32 and 33).

11. No development, other than demolition, shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include where appropriate:

- a. Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- b. Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c. Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
- d. Details of the proposed attenuation and flow control measures;
- e. Site Investigation and test results to confirm infiltration rates;
- f. Temporary storage facilities if the development is to be phased;
- g. A timetable for implementation if the development is to be phased;
- h. Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- i. Details of the maintenance/adoption of the surface water drainage system;
- j. Measures taken to prevent pollution of the receiving groundwater and/or surface water

The scheme shall subsequently be implemented in full in accordance with the approved details prior to the occupation of any part of the development or in accordance with the implementation program agreed in writing with the Local Planning Authority.

Reason: To ensure appropriate surface water drainage and prevent the increased risk of flooding (Cambridge Local Plan 2018, policies 31 and 32)

12. No operational plant, machinery or equipment shall be installed until a noise assessment and any noise insulation/mitigation as required has been submitted to and approved in writing by the local planning authority. Any required noise insulation/mitigation shall be carried out as approved and retained as such.

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2018 policy 36).

13. Notwithstanding the approved plans, no development above ground level shall commence until details of an alternative ventilation scheme for the development to negate the need to open windows and protect future occupiers from traffic noise have been submitted to and approved in writing by the local planning authority. It shall be demonstrated that the ventilation scheme shall be able to achieve at least two air changes per hour in individual residential units. It shall also include details of operational control and the noise levels of the ventilation system. The scheme shall be carried out as approved before the use is commenced or the development is occupied and shall be retained as such.

Reason: To protect amenity / human health (Cambridge Local Plan 2018 policy 35)

14. Prior to first occupation of the development the existing dropped kerb vehicular access to 73 Newmarket Road shall be permanently and effectively closed and the footway shall be reinstated in accordance with a scheme to be agreed with the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of highway safety in accordance with paragraph 116 of the NPPF (2024)

15. The redundant rain water channel that crosses the footway must be removed, and the footway resurfaced prior to the building being occupied for its proposed use.

Reason: For the safe and effective operation of the highway and in the interests of highway safety in accordance with paragraph 116 of the NPPF (2024)

16. E(b) development use shall not commence until a scheme detailing plant, equipment or machinery for the purposes of extraction, filtration and abatement of odours has been submitted to and approved in writing by the

local planning authority. The approved scheme shall be installed before the use is commenced and shall be retained as such.

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2018 policy 36)

17. E(b) / E(d) development use shall not commence until a noise insulation / mitigation scheme in order to minimise the noise emanating from the premises is submitted in writing for approval by the Local Planning Authority. This shall include assessment and mitigation of internal noise transfer noise and any external plant / equipment noise. The scheme as approved shall be fully implemented before the use is commenced and shall be retained as such.

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

18. No development shall take place above ground level, except for demolition, until details of all the materials for the external surfaces of buildings to be used in the construction of the development have been submitted to and approved in writing by the local planning authority.

The details shall include brick details; stonework; windows; doors and entrances; roof cladding; external metal work, including balustrades, rain water goods, edge junctions and coping details; colours and surface finishes. The details shall include any man-safe system required for the roof. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the development does not detract from the character and appearance of the area. (Cambridge Local Plan 2018 policies 55 and 57).

19. No development shall commence above slab level, other than demolition, until details of the louvres as shown on the approved plans have been submitted and approved in writing by the Local Planning Authority. The approved louvres shall be fitted prior to the first occupation, and shall be maintained and retained in accordance with the agreed details thereafter.

Reason: To protect the amenity of occupiers of adjoining properties and future occupiers (Policy 58 of the Cambridge Local Plan 2018).

20. The development, hereby permitted, shall not be occupied, or the use commenced, until a management plan has been submitted to and approved

in writing by the Local Planning Authority. The management plan shall include provisions relating to:

- a) management of the property and how any management issues will be addressed
- b) external display of contact information for on-site management issues and emergencies for members of the public
- c) provision for refuse, cycle and car parking and drying areas etc.
- d) details of guidance for tenants re acceptable standards of behaviour/use of the premises.

The development shall thereafter be managed in accordance with the approved plan.

Reason: In order to ensure the occupation of the site is well managed and does not give rise to significant amenity issues for nearby residents (Cambridge Local Plan 2018 policies 35 and 48).

21. No development shall commence above slab level, other than demolition until a waste management plan has been submitted to and approved in writing by the Local Planning Authority. The waste management plan shall demonstrate that waste management practices are thoroughly planned and meet regulatory standards. The approved scheme shall be in place prior to the use is commenced and shall retained thereafter.

Reason: Ensuring environmental and public safety are maintained by proving that waste is to be handled properly from the outset and refuse is successfully integrated into the development (Cambridge Local Plan policy 57)

22. In the event of piling, no development shall commence until a method statement detailing the type of piling, mitigation measures and monitoring to protect local residents from noise and/or vibration has been submitted to and approved in writing by the Local Planning Authority. Potential noise and vibration levels at the nearest noise sensitive locations shall assessed in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites.

Development shall be carried out in accordance with the approved statement.

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

23. Notwithstanding the approved plans, the flat roof(s) of the development hereby approved shall be a green biodiverse roof(s). The green biodiverse roof(s) shall be constructed and used in accordance with the details outlined below:

- a) 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 mm thick.
- b) Provided with suitable access for maintenance.
- c) Not used as an amenity or sitting out space and only used for essential maintenance, repair or escape in case of emergency.

The green biodiverse roof(s) shall be implemented in full prior to the use of the approved development and shall be maintained in accordance with the Green Roof Organisation's (GRO) Green Roof Code (2021) or successor documents, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development provides the maximum possible provision towards water management and the creation of habitats and valuable areas for biodiversity (Cambridge Local Plan 2018, policy 31). The Green Roof Code is available online via: green-roofs.co.uk

24. The house of multiple occupation (HMO) hereby approved, shall have no more than twenty-three 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 35, 56 and 48).

25. The ground floor commercial unit shall not be open to customers outside the hours of 08:00 and 23.00hrs daily (including weekend and Bank / Public Holidays).

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

26. No commercial refuse / waste or recycling material shall be emptied into external receptacles, taken out or moved around the external area of the site outside the following hours:

Monday to Saturday = 07:00 - 23:00hrs

Sunday and bank holidays = 08:00 - 21:00hrs

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

27. Operational deliveries to or dispatches from the site (including waste collections) shall not be made outside the following hours:

Monday to Saturday = 07:00 - 23:00hrs

Sunday and bank holidays = 08:00 - 21:00hrs

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

28. 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).

29. There should be no collections from or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on Monday to Friday, 0800 hours to 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).

30. All paved areas within the site that abut the public highway be constructed so that their falls and levels are such that no private water from the site drains across or onto the adopted public highway.

Reason: for the safe and effective operation of the highway in accordance with paragraph 116 of the NPPF (2024)

31. Demolition, construction or delivery vehicles with a gross weight in excess of 3.5 tonnes shall only service the site between the hours of 09.30hrs - 16.00hrs, Monday to Saturday.

Reason: in the interests of highway safety in accordance with paragraph 116 of the NPPF (2024)

32. Prior to the occupation of the development, the ecological mitigation shall be carried out in full in accordance with the details contained in Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (Applied Ecology dated 16 May 2022) The ecological measures shall thereafter be retained for the lifetime of the development.

Reason: To conserve and enhance ecological interests. (Cambridge Local Plan 2018, policy 57, 59 and 70)

33. Water efficiency standards for the scheme shall be carried out in accordance with the water efficiency specification set out in Sustainability Appraisal and Water Efficiency Feasibility Study (Green Heat Ltd, 25 October 2022), which sets out the measures to be implemented to achieve 5 BREEAM credits for water efficiency (Wat01). The development shall only be used or occupied in accordance with the agreed details, and any amendments to the specification shall first be submitted to and approved in writing by the local planning authority.

Reason: To ensure that the development makes efficient use of water and promotes the principles of sustainable construction (Cambridge Local Plan 2018 Policy 28 and the Greater Cambridge Sustainable Design and Construction SPD 2020).

Statutory Condition

34. Development may not be begun unless:

(a) a biodiversity gain plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

Reason: To ensure compliance with Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021).

Informatives

1. Neither the future residents nor any new businesses within the proposed development will qualify for Parking Permits within the existing Residents Parking Schemes operating in surrounding streets.

2. Given the sites location and its physical constraints it is recommended that the applicant engage with the Highway Authorities street works team (street.works@cambridgeshire.gov.uk) to formulate an acceptable methodology for the proposed demolition and construction processes that may require the use of the adopted public highway within the vicinity of the site. The Highway Authority will insist that footway/NMU provision be retained on both sides of Newmarket Road during both the demolition and construction phases of the development.
3. The granting of a planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway, and that a separate permission must be sought from the Highway Authority for such works
4. In order to achieve the requirements of the dust condition, the applicant will need to provide details in accordance with Sections 3.6.155-3.6.161 (Pages 122 and 123) of the Council's "Sustainable Design and Construction" SPD (January 2020). The SPD is available to view at the following link: <https://www.cambridge.gov.uk/greater-cambridge-sustainable-design-constuction-spd>
5. The Housing Act 2004 introduced the Housing Health & Safety Rating System as a way to ensure that all residential premises provide a safe and healthy environment to any future occupiers or visitors. Each of the dwellings must be built to ensure that there are no unacceptable hazards for example ensuring adequate fire precautions are installed, habitable rooms without adequate lighting or floor area etc. Further information may be found here: <https://www.cambridge.gov.uk/housing-health-and-safety-rating-system>
6. 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>
7. The Housing Act 2004 introduced Mandatory Licensing for Houses in Multiple Occupation (HMOs) across all of England. This applies to all HMOs with 5 or more persons forming more than one household and a person managing or controlling an HMO that should be licensed commits an offence if, without reasonable excuse, he fails to apply for a licence. It is,

therefore, in your interest to apply for a licence promptly if the building requires one. Further information and how to apply for a Licence may be found here: <https://www.cambridge.gov.uk/licensing-of-houses-in-multiple-occupation>

Biodiversity Net Gain Informative

Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.

In England, biodiversity net gain is required under a statutory framework introduced by [Schedule 7A of the Town and Country Planning Act 1990 \(inserted by the Environment Act 2021\)](#). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the Biodiversity Gain Condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

The biodiversity gain condition (as set out above at the end of this decision notice) is a pre-commencement condition: once planning permission has been granted, a Biodiversity Gain Plan must be submitted to and approved by Cambridge City Council (the local planning authority) before commencement of the development. There are exemptions, transitional arrangements and requirements relating to irreplaceable habitat which disapply the condition from certain planning permissions, as well as special modifications for planning permissions for phased development and the treatment of irreplaceable habitats.

In the opinion of the Local Planning Authority, the approved development is engaged by paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990, is subject to the statutory Biodiversity Gain Condition and none of the statutory exemptions or transitional arrangements are considered to apply.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i. do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii. in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

Advice on information required to discharge Biodiversity Gain Condition

A Biodiversity Gain Plan to secure at least 10% increase in biodiversity value relative to the predevelopment biodiversity value of the onsite habitat as per the statutory condition as set out on this Decision Notice must be submitted to the Local Planning Authority and approved before the development can commence. In order to discharge the condition, the following information will be required:

-details of purchase and monitoring of the offsite biodiversity units, a biodiversity metric for the site, costings and evidence of appropriate legal agreements to guarantee delivery of ongoing habitat management requirements specifically:

- i. Identification of receptor site or sites with associated plans;
- ii. Details of the offsetting requirements of the development in accordance with current DEFRA biodiversity metric;
- iii. The provision of evidence of arrangements to secure the delivery of offsetting measures, including a timetable of delivery; and
- iv. A Management and Monitoring Plan, to include for the provision and maintenance of the offsetting measures for a period of not less than 30 years from the commencement of the scheme and itself to include:
 - a) Description of all habitat(s) to be created / restored / enhanced within the scheme including expected management condition and total area;
 - b) Review of Ecological constraints;
 - c) Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works;
 - d) Detailed design and working methods (management prescriptions) to achieve proposed habitats and management conditions, including extent and location of proposed works;
 - e) Type and source of materials to be used, including species list for all proposed planting and abundance of species within any proposed seed mix;
 - f) Identification of persons responsible for implementing the works;

- g) A timetable of ecological monitoring to assess the success of all habitats creation / enhancement.
- h) The inclusion of a feedback mechanism to the Local Planning Authority, allowing for the alteration of working methods / management prescriptions, should the monitoring deem it necessary.
- i) Evidence that appropriate arrangements are in place to ensure the Council is funded to monitor the proposed biodiversity gain from the site(s) proposed over a period of 30 years. This would normally be in the form of a freestanding S106 agreement with a biodiversity provider which has already secured on-going monitoring contributions for the Council.

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in your development becoming subject to enforcement action.

Greater Cambridge Shared Planning offer pre-application guidance regarding Biodiversity Net Gain here: [Biodiversity Net Gain Advice \(greatercambridgeplanning.org\)](https://www.greatercambridgeplanning.org/biodiversity-net-gain-advice)