

Our Ref: 22/04561/FUL  
Portal Ref: PP-11594943

8 December 2022



Mr Dennis Whitfield  
Whitfield Property Investments Ltd  
30A High Street, Over  
Market Street  
Swavesey  
CB24 4QG

South Cambridgeshire Hall  
Cambourne Business Park  
Cambourne  
Cambridge  
CB23 6EA

[www.scamb.gov.uk](http://www.scamb.gov.uk) | [www.cambridge.gov.uk](http://www.cambridge.gov.uk)

Dear Mr Whitfield

## **CAMBRIDGE CITY COUNCIL**

### **Application for Planning Permission**

Proposal: Change of use from C4 (6 bed HMO) to Sui Generis due to addition of 7th Bedroom during refurbishment works to improve the quality of the accommodation

Small additional extension on ground floor and en-suite on first floor - Ref 22/03959/FUL

Site address: 68 Garden Walk Cambridge Cambridgeshire CB4 3EN

We are pleased to enclose your formal notice of planning permission for the above development. Please ensure that work is carried out in line with the approved plans referred to on the decision notice. This will avoid the need for any enforcement action.

### **Making changes to the approved plans**

In the event that you wish to change your proposal, please contact your case officer who will advise you on whether the change can be dealt with as a “non-material” or “material” amendment. In either case you will have to complete a form and provide fresh drawings.

### **Important information regarding conditions**

If you have been granted Planning Permission / Listed Building Consent / Advertisement Consent you may wish to get started immediately, however it is always important to carefully read the decision notice in full before any work begins.

The majority of planning decisions have conditions attached. Some conditions request further information that requires approval by the Local Planning Authority before any development takes place (‘pre-commencement’). All conditions are set out on the decision notice.

Under Section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is a criminal offence to carry out unauthorised works to a listed building. Under Section 9 of the Act, a person shall be guilty of an offence should they fail to comply with any condition attached to the consent.

## **How do I discharge the conditions**

Please note that the process takes up to eight weeks from the date the Local Planning Authority receives a valid application. Therefore it is important to plan ahead and allow plenty of time before work is due to commence.

You need to fill in a form to submit your request to discharge conditions, and accompany the relevant details/samples. You can download the necessary form by using the following link: <https://www.greatercambridgeplanning.org>

Alternatively you can submit an application to discharge the conditions through the Government's Planning Portal website: <https://www.planningportal.co.uk/applications>. Please note, The Planning Portal refers to it as 'Approval of details reserved by a condition'.

When the required information has been submitted you will receive a reference and an acknowledgement letter. Once the Local Planning Authority is satisfied that the requirements of the condition have been met you will receive a formal notification that the conditions have been discharged.

## **Appeals against conditions**

You should also be aware that the applicant has the right to appeal against any conditions attached to this Notice, please see <https://www.gov.uk/planning-inspectorate> for details. If you are concerned about any condition you should contact the case officer in the first instance for advice.

Yours sincerely



SJ Kelly  
Joint Director For Planning & Economic Development For  
Cambridge & South Cambridgeshire



**Notice of Planning Permission**  
Subject to conditions

Reference 22/04561/FUL  
Date of Decision 8 December 2022

Mr Dennis Whitfield  
Whitfield Property Investments Ltd  
30A High Street, Over  
Market Street  
Swavesey  
CB24 4QG

The Council hereby GRANTS Planning Permission for:

Change of use from C4 (6 bed HMO) to Sui Generis due to addition of 7th Bedroom during refurbishment works to improve the quality of the accommodation  
Small additional extension on ground floor and en-suite on first floor - Ref 22/03959/FUL

at

68 Garden Walk Cambridge Cambridgeshire CB4 3EN

In accordance with your application received on 4 October 2022 and the plans, drawings and documents which form part of the application.

### Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
- 2 The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.
- 3 The HMO situated at 68 Garden Walk, Cambridge hereby approved shall have no more than 7 occupants residing at any one time.

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

- 4 The internal communal areas as shown on the approved drawings shall be provided prior to occupation of the building for the proposed use and retained for communal uses and used for no other purpose.

Reason: To ensure adequate internal communal space is provided for future occupants (Cambridge Local Plan 2018 policies 48 and 50).

- 5 The bin and bike stores associated with the proposed development, shall be provided prior to first occupation in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure appropriate provision for the secure storage of bicycles and refuse, (Cambridge Local Plan 2018 policies 82).

- 6 No construction work or demolition work shall be carried out or plant 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.

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

## Informatives

- 1 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>

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

## Plans and drawings

This decision notice relates to the following drawings:

Reference/Document/Drawing Title	Date Received
Location plan	04.10.2022
PROPOSED ELEVATIONS	04.10.2022
SITE/Floor Plans (Revision V3)	05.12.2022

It is important the development is carried out fully in accordance with these plans. If you are an agent, please ensure that your client has a copy of them and that they are also passed to the

contractor carrying out the development. A copy of the approved plan(s) is/are kept on the planning application file.

## Authorisation

Authorised by:



SJ Kelly  
Joint Director For Planning & Economic Development For  
Cambridge & South Cambridgeshire

South Cambridgeshire Hall  
Cambourne Business Park  
Cambourne  
Cambridge  
CB23 6EA

Date the decision was made: 8 December 2022

## **General Notes**

This decision notice does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

It is an offence under Section 171 of the Highways Act 1980 to temporarily deposit building materials, rubbish or other things on the public highway or make a temporary excavation on it without the written consent of the Highway Authority. The Highway Authority may give its consent subject to such conditions as it thinks fit.

The applicant is reminded that under the Wildlife and Countryside Act 1981(Section 1) (as amended) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Trees and scrub are likely to contain nesting birds between 1 March and 31 August. Trees within the application should be assumed to contain nesting birds between the above dates unless a survey has shown it is absolutely certain that nesting birds are not present.

## **Equality Act 2010**

Your attention is specifically drawn to the requirements of the Equality Act 2010 and the Equality Act (Disability) regulations 2010, the British Standards Institution BS8300:2009 “Design of Buildings and their approaches to meet the needs of disabled people – Code of Practice” and to Approved Document ‘M’ “Access to and use of buildings”, volumes 1 and 2 of the Building Regulations 2010 and to Approved Document ‘B’ “Fire Safety”, volumes 1 and 2 of the Building Regulations 2010, in request of guidance on means of escape for disabled people. The development should comply with these requirements as applicable

## **Building Regulations**

Your planning application may also require Building Regulations consent. Please follow the link below for more information and to make your application or call 0300 7729622 to discuss your project.

[www.3csharedservices.org/building-control/what-are-building-regulations/](http://www.3csharedservices.org/building-control/what-are-building-regulations/)

3C Building Control offer a voluntary Considerate Contractor scheme. Please the link below for more information.

[www.3csharedservices.org/building-control/considerate-contractor-scheme/](http://www.3csharedservices.org/building-control/considerate-contractor-scheme/)

## **Working with the applicant**

The LPA positively encourages pre-application discussions. Details of this advice service can be found at <https://www.greatercambridgeplanning.org>. If a proposed development requires revisions to make it acceptable the LPA will provide an opinion as to how this might be achieved. The LPA will work with the applicant to advise on what information is necessary for the submission of an application and what additional information might help to minimise the need for planning conditions. When an application is acceptable, but requires further details, conditions will be used to make a development acceptable. Joint Listed Building and Planning decisions will be issued together. Where applications are refused clear reasons for refusal will identify why a development is unacceptable and will help the applicant to determine whether and how the proposal might be revised to make it acceptable.

In relation to this application, it was considered and the process managed in accordance with paragraph 38 of the National Planning Policy Framework.

### **Parking Controls**

Please note: On-street parking controls, including residents' parking schemes, are in operation in several parts of the City of Cambridge. There are restrictions on eligibility for residents' parking permits, even for residents within the areas covered by schemes. Implementing a planning consent can remove eligibility for a permit. The County Council can advise whether or not properties qualify for a Residents' Parking Permit. If in doubt, please contact Cambridgeshire County Council, Cambridgeshire Parking Services by telephoning (01223) 727900 or by e-mailing [parkingpermits@cambridgeshire.gov.uk](mailto:parkingpermits@cambridgeshire.gov.uk), mentioning this planning consent. Please also be aware that the criteria for granting parking permits may change from time to time.

### **Appeals to the Secretary of State**

The applicant has a right to appeal to the Secretary of State against any conditions of this planning permission, under Section 78 of the Town & Country Planning Act 1990. The appeal must be made on a form which may be obtained from:

The Planning Inspectorate,  
Temple Quay House, 2 The Square, Temple Quay, Bristol. BS1 6PN  
Telephone 0303 444 5000 or visit  
<https://www.gov.uk/planning-inspectorate>

If an enforcement notice is or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: **28 days** of the date of service of the enforcement notice, **OR** within **6 months** (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

## **Purchase Notices**

If the Local Planning Authority or the Secretary of State grants permission subject to conditions the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances the owner may serve a purchase notice on the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

## **Before starting work**

It is important that all conditions, particularly pre-commencement conditions, are fully complied with, and where appropriate, discharged prior to the implementation of the development. Failure to discharge such conditions may invalidate the planning permission granted. The development must be carried out fully in accordance with the requirements of any details approved by condition.

## **Street Naming and Numbering**

In order to obtain an official postal address, any new buildings should be formally registered with Cambridge City Council. Unregistered addresses cannot be passed to Royal Mail for allocation of post codes. Applicants can find additional information, a scale of charges and application form at <https://www.cambridge.gov.uk/street-naming-and-property-numbering>.

For further information please go to <https://www.cambridge.gov.uk/planning>.

## **Third Party Rights to challenge a planning decision**

Currently there are no third party rights of appeal through the planning system against a decision of a Local Planning Authority. Therefore, if you have concerns about a planning application and permission is granted, you cannot appeal that decision.

Any challenge under current legislation would have to be made outside the planning system through a process called Judicial Review.

A 'claim for judicial review' includes a claim to review the lawfulness of a decision, action or failure to act in relation to the exercise of a public function, in this case, a planning decision. The court's permission to proceed is required in a claim for Judicial Review. A claim for Judicial Review is dealt with by the Administrative Court and if leave to judicially review a planning decision is granted, the Judicial Review will be decided by a judge at the High Court.

An application to Judicial Review a decision must be made within **6 weeks** of the decision about which you have a grievance being made. For further information on judicial review and the contact details for the Administrative Courts, please go to <http://www.justice.gov.uk/>